

Agenda Item #6

EXECUTIVE SUMMARY

TO: Mayor Dahlquist, City Council Members

FROM: Planning & Development Services

MEETING DATE: August 13, 2026

PROJECT: City-initiated text amendments to Title 17: Zoning Regulations, in response to State preemption legislation

INTRODUCTION:

Planning & Development staff is seeking the Council's direction on whether staff should proceed with the proposed changes to Title 17: Zoning Regulations, and prepare a draft for the Council to consider. Planning staff is charged with overseeing the orderly growth and development of the City of Pocatello. One function of this work is the administration of the City's land use related ordinances. Staff has prepared the following amendments to Title 17: Zoning Regulations in response to State preemption legislation from the most recent legislative session. Legislative Bills that the Planning Department has identified as affecting Title 17 include: Senate Bill 1352, Senate Bill 1354, and House Bill 800. The following pages of the attached report includes a brief summary of the proposed amendments. Attachment A contains Legislative Bills as mentioned above and Attachment B contains the proposed code amendment wording.

FINANCIAL IMPACT:

Staff does not anticipate that there will be a significant financial impact to the City of Pocatello from the changes proposed. The subject revisions will require the City to codify the proposal with cost varying depending on the extent of the changes.

TABLES: Table 1. Compliance with Pocatello Comprehensive Plan 2040

ATTACHMENTS:

- A. Selected Legislative Bills from the State of Idaho
- B. Proposed Changes to Title 17: Zoning Regulations
- C. Proposed Amendment to Comprehensive Plan 2040

SUMMARY OF PROPOSED AMENDMENTS

17.01.150: Definitions:

- Add a “Cottage Court” definition
- Amend definitions related to “Manufactured Homes” to better reflect definitions and provisions in Idaho Legislature Bills & Idaho Code

17.02.160: Variances:

- Amend definition of “variance” to exclude “use of property” to match Idaho state definition

17.05.300: Infill and Redevelopment Standards:

- Amend chapter to include standards similar to but that are unable to meet the criteria of a “starter home subdivision”
 - Remove utility requirement
 - Reduce platting requirement from 25 years to 5 years
 - Amend acreage requirement to “less than 4 acres”
 - Include separate sections for infill standards of individual parcels vs. subdivisions
 - Infill subdivision standards are a development option where starter home subdivisions are not feasible
 - Includes regular subdivisions and cottage court subdivisions
 - Minimum setback requirements:
 - Front & Rear: 15’ or minimum of underlying zoning whichever is less
 - Side facing street: 5’
 - Side: 5’
 - Cottage Court Starter Home Subdivisions
 - Minimum setback requirements:
 - Front Units (closest to the street): 15’ or minimum of underlying zoning whichever is less
 - Interior Sides (between lot line and structure in between units): 5’
 - Unit Front (facing common space): 0’
 - Unit Rear (opposite side of common space): 5’
 - Open Space requirements including certain amenities
 - Minimum 400ft² of open space per unit required
 - Units required to orient toward common space. Front units (closest to the street) may orient toward the street if desired.
 - Parking:
 - Located between rear or side lot line and structures

17.06.100: Accessory Dwelling Units:

- Allow an ADU to have a maximum square footage of 1,000ft² or 75% of the size of the primary single-family dwelling, whichever is less
- Do not require off-street parking for an ADU as long as the primary residence meets required standards
- Allow required walkways that lead to ADUs to come from the primary street or an adjacent alley

- Clarify language regarding naming conventions, as well as height and design compatibility provisions (Height language also addressed in 17.06.200: Accessory Structures)
- Remove the deed restriction requirement for owner to live on-site

17.06.200: Accessory Structures:

- Amend language for clarity

17.06.300: Manufactured/Mobile Home and Recreational Vehicle Parks:

- Remove “insignia home” requirement and replace with alignment with Idaho Code
- Allow for single or multi-sectional homes with a minimum square footage of 400 and 800 respectively

17.06.700: Starter Home Subdivisions:

- New section
- Single-Family Detached Dwelling Unit Subdivisions as defined by State Code
 - Allow in all residential zoning districts
 - Require 4 acres or more for development in all residential zones
 - Maximum lot sizes of 1,500ft²
 - Minimum setback requirements:
 - Front & Rear: 15’ or minimum of underlying zoning whichever is less
 - Side facing street: 5’
 - Side: 5’

Table 1. Compliance with Comprehensive Plan 2040

Planning Approach
Compact Building Design: Compact design means making more efficient use of land that has already been developed. Encouraging development to grow up, rather than out, is one way to do this. Infill development, building on empty or underutilized lots, is another. Building within an existing neighborhood can attract more people to the jobs, homes, and businesses already there while also making the most of public investments in things like water and sewer lines, roads, and emergency services. Housing Opportunities & Choices: Building quality housing for families of all life stages and income levels is an integral part of a Smart Growth approach. Housing constitutes a significant share of new construction and development in any city, but its economic importance is sometimes overlooked. Adding housing in commercial districts can breathe new life into these neighborhoods in evenings and on weekends. More importantly, the housing options available in a community will influence families’ economic opportunity, costs of living, and time spent commuting each day. Diversifying housing options within existing neighborhoods can give everyone more choices about where to live. Walkable Neighborhoods: Walkable neighborhoods are in high demand across the country and it’s hardly a mystery why. Walking is a convenient, affordable, and healthy way to get around that never goes out of style, as long as people can do it safely and conveniently. Walkable places are created in part by mixing land uses and taking advantage of compact design, but are activated by street design that prioritizes the pedestrian experience to make walking not only practical but safe and convenient to enjoy.

Infill Development: Developing within existing neighborhoods and commercial corridors and districts, rather than building on previously undeveloped land on the edge of town, makes the most of the investments we've already made in roads, bridges, water pipes, and other infrastructure, while strengthening local tax bases and protecting open space. Regulations, zoning, and other public policies sometimes make this approach unnecessarily difficult for developers. City leaders can and should change policy to encourage infill development.

Environmentally Resilient

Goal 4. Cultivate compact development patterns and enhanced aesthetics that promote walkability, community health, reduced infrastructure, and energy costs.

Authentic & Affordable Neighborhoods

Goal 1. Create Complete Neighborhoods by implementing development criteria informed by unique neighborhood plans.

Strategy C. Adopt incentives that encourage the development of affordable, missing middle, intergenerational, and mixed-income housing, especially where key community services and transit options already exist.

Goal 5. Develop form-based code standards to guide new development within each neighborhood.

Strategy A. Provide City standards that enable a range of flexible housing options in all neighborhoods.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 800

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MANUFACTURED HOMES; AMENDING SECTION 39-4105, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6509A, IDAHO CODE, TO REVISE PROVISIONS REGARDING SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4105, Idaho Code, be, and the same is hereby amended to read as follows:

39-4105. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning. Where terms are not defined in this chapter and are defined in the currently adopted ~~International Building Code~~ international building code published by the ~~International Code Council~~ international code council, such terms shall have the meanings ascribed to them in that code:

(1) "Administrator" means the administrator of the division of occupational and professional licenses for the state of Idaho.

(2) "Board" means the Idaho building code board, herein created.

(3) "Building inspector" means a person who inspects buildings or structures for compliance with the provisions of this chapter.

(4) "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building or the installation of equipment therein normally a part of the structure.

(5) "Division" means the state of Idaho division of occupational and professional licenses.

(6) "~~International Fire Code~~ fire code" means the ~~International Fire Code~~ international fire code as published by the ~~International Code Council~~ international code council.

(7) "Local government" means any city or county of this state.

(8) "Manufactured home" means a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, ~~which that~~, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and ~~which that~~ is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure ~~which that~~ meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the

1 secretary of housing and urban development and complies with the standards
 2 established under 42 U.S.C. 5401 et seq. Manufactured homes include multidwelling unit manufactured homes that are constructed in accordance with the
 3 HUD manufactured home construction and safety standards.

5 (9) "Mobile home" means a factory-assembled structure or structures
 6 generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or
 7 units on their own running gear and designed to be used as a dwelling unit or
 8 units with or without a permanent foundation.

10 (10) "Telecommunications facilities" means all wires, cables, equipment,
 11 apparatus or other installations necessary to furnish service, by
 12 which there is accomplished or may be accomplished the sending or receiving
 13 of information, data, message writing signs, signals, pictures, and sounds
 14 of all kinds, by aid of such wires, cables, equipment, apparatus or other
 15 installations, but shall not include the habitable structure in which such
 16 telecommunications facilities are housed.

17 SECTION 2. That Section 67-6509A, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 67-6509A. SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS -- PLAN
 20 TO BE AMENDED. (1) By resolution or ordinance adopted, amended, or repealed
 21 in accordance with the notice and hearing procedures provided under section
 22 67-6509, Idaho Code, each governing board shall amend its comprehensive plan
 23 and land use regulations for all land zoned for single-family residential
 24 uses, except for lands falling within an area defined as a historic district
 25 under section 67-4607, Idaho Code, to allow for siting of manufactured homes
 26 as defined in section 39-4105, Idaho Code. For purposes of siting, a manufactured home consisting of a single dwelling unit may be sited on lots where
 27 single-family dwellings are allowed. A multidwelling unit manufactured
 28 home may be sited only in areas where multifamily dwellings are allowed.

30 (2) Manufactured homes on individual lots zoned for single-family residential
 31 uses as provided in subsection (1) of this section shall be in addition to
 32 manufactured homes on lots within designated mobile home parks or
 33 manufactured home subdivisions.

34 (3) This section shall not be construed as abrogating a recorded restrictive
 35 covenant.

36 (4) A governing board may adopt any or all of the following placement
 37 standards, or any less restrictive standards, for the approval of manufactured
 38 homes located outside mobile home parks:

39 (a) The manufactured home shall be may be either a single section or
 40 multisectional and shall enclose a space of not less than one thousand
 41 (1,000) square feet at least four hundred (400) square feet for a single
 42 section or eight hundred (800) square feet for a multisectional manufactured
 43 home;

44 (b) The manufactured home shall be placed on an excavated and backfilled
 45 foundation and enclosed at the perimeter such that the home is
 46 located not more than twelve (12) inches above grade, except when placed
 47 on a basement foundation;

1 (c) The manufactured home shall have a pitched roof, except that no
2 standards shall require a slope of greater than a nominal three (3) feet
3 in height for each twelve (12) feet in width;

4 (d) The manufactured home shall have exterior siding and roofing which
5 in color, material, and appearance is similar to the exterior siding and
6 roofing material commonly used on residential dwellings within the com-
7 munity or which is comparable to the predominant materials used on sur-
8 rounding dwellings as determined by the local permit approval author-
9 ity;

10 (e) The manufactured home shall have a garage or carport constructed of
11 like materials if zoning ordinances would require a newly constructed
12 nonmanufactured home to have a garage or carport;

13 (f) In addition to the provisions of paragraphs (a) through (e) of this
14 subsection, a city or county may subject a manufactured home and the lot
15 ~~upon~~ on which it is sited to any development standard, architectural re-
16 quirement, and minimum size requirements to which a conventional sin-
17 gle-family residential dwelling on the same lot would be subjected.

18 (5) Any approval standards, special conditions and the procedures for
19 approval adopted by a local government shall be clear and objective and shall
20 not have the effect, either in themselves or cumulatively, of discouraging
21 needed housing through unreasonable cost or delay.

22 SECTION 3. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2026.

IN THE SENATE

SENATE BILL NO. 1352, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HOUSING; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING STARTER HOME SUBDIVISIONS AND TO PROVIDE A DEFINITION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 65, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6541, Idaho Code, and to read as follows:

67-6541. STARTER HOME SUBDIVISIONS. (1) No city shall enact or enforce any ordinance within its jurisdiction that bans starter home subdivisions in any residential zoning area. "Starter home subdivision" means a residential subdivision on at least four (4) acres of land that is designed to provide attainable homeownership opportunities with single-family detached dwellings on smaller lots that are no greater than one thousand five hundred (1,500) square feet per lot, have compact home sizes, and have efficient site design that reduces development costs while maintaining compatibility with surrounding neighborhoods.

(2) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations to allow starter home subdivisions in residential zoning districts, except for lands falling within an area defined as a historic district in section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code. For starter home subdivisions, a city's comprehensive plan and land use regulations shall be amended to:

(a) Prohibit requiring minimum lot sizes exceeding one thousand five hundred (1,500) square feet for lots located in starter home subdivisions unless infrastructure limitations, lot configuration, or environmental constraints make it unfeasible;

(b) Prohibit requiring front or rear setbacks exceeding fifteen (15) feet or side setbacks exceeding five (5) feet for a primary residential structure on a lot, provided, however, that setbacks along the perimeter of a project may be required to match setbacks of abutting zoning districts;

(c) Prohibit requiring lot front widths exceeding thirty (30) feet for narrow lots;

(d) Prohibit requiring lot depths exceeding seventy (70) feet, unless overall lot shape, topography, or environmental or infrastructure constraints require it; and

1 (e) Prohibit imposing permit fees, development impact fees, or util-
2 ity connection fees for starter home subdivisions exceeding those that
3 would be imposed on other single-family home subdivisions. A local
4 government may provide incentives to builders through fee reductions or
5 waivers for compliance with smaller lot and setback options.

6 (3) The provisions of this section shall not supersede state or local
7 laws that protect public health, safety, and welfare, including:

8 (a) Building codes, fire safety standards, and flood plain regula-
9 tions;

10 (b) Laws regarding water, sewer, storm drainage, road access, roadway
11 classifications or conditions, infrastructure capacity constraints,
12 and utility services necessary to support the required density;

13 (c) Laws regarding environmental hazards, aquifer recharge zones,
14 steep slopes, or critical habitat protections; and

15 (d) Laws and regulations regarding setback requirements for rights-of-
16 way and easements.

17 (4) The provisions of this section shall apply only to cities with a
18 population greater than ten thousand (10,000).

19 (5) Cities may condition or deny approval of a starter home subdivision
20 where the city determines that existing or planned infrastructure is inade-
21 quate to support the subdivision, to the same extent and under the same stan-
22 dards the city applies to other residential subdivisions.

23 (6) Nothing in this section shall prohibit a city from enacting regula-
24 tions, standards, or conditions that are less restrictive than the require-
25 ments provided in this section.

26 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
27 to be severable and if any provision of this act or the application of such
28 provision to any person or circumstance is declared invalid for any reason,
29 such declaration shall not affect the validity of the remaining portions of
30 this act.

31 SECTION 3. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after
33 July 1, 2026.

IN THE SENATE

SENATE BILL NO. 1354, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ACCESSORY DWELLING UNITS; AMENDING SECTION 55-3212, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCESSORY DWELLING UNITS AND TO REMOVE A DEFINITION; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ACCESSORY DWELLING UNITS AND TO PROVIDE A DEFINITION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-3212, Idaho Code, be, and the same is hereby amended to read as follows:

55-3212. INTERNAL PROHIBITED CONDUCT -- RESTRICTIONS ON ACCESSORY DWELLING UNITS. (1) ~~No covenant, condition, or restriction may be added, amended, or enforced by a homeowner's association or any other parties in such a way that strictly prohibits internal accessory dwelling units, as defined in subsection (3) of this section. The provisions of this section shall not be construed to protect more than one (1) internal accessory dwelling unit per homestead. No homeowner's association shall add, amend, or enforce any covenant, condition, or restriction in such a way that limits or prohibits accessory dwelling units, as defined in section 67-6541, Idaho Code, on any property, land, or structure thereon within the jurisdiction of a homeowner's association, unless the owner of the affected property expressly agrees in writing to such addition or amendment of a covenant, condition, or restriction. Nothing in this section shall be construed to prevent the enforcement of valid covenants, conditions, or restrictions limiting or prohibiting a property owner's right to transfer an interest in land or the structures thereon where such covenant, condition, or restriction existed and applied to the property at the time the property owner acquired an interest in the property.~~

(2) Notwithstanding the prohibitions provided in subsection (1) of this section, a homeowner's association may adopt reasonable rules governing the use of ~~internal~~ accessory dwelling units otherwise allowed by law, including but not limited to architectural design consistent with the primary dwelling, size limits, height limits, setback requirements, open space requirements, parking controls, and bedroom requirements.

~~(3) (a) An "internal accessory dwelling unit" means a self-contained living unit that:~~

~~(i) Includes its own cooking, sleeping, and sanitation facilities;~~

~~(ii) Is located within a detached, owner-occupied homestead, as defined in section 63-701, Idaho Code, or such homestead's attached or detached garage; and~~

~~(iii) Is used for the purpose of housing relatives of the owner of the homestead or for the purpose of renting to a residential tenant for a period exceeding thirty (30) days.~~

~~(b) An internal accessory dwelling unit does not include an alternative detached structure, motor home, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.~~

~~(4)~~ (3) Nothing in this section shall be construed to restrict a homeowner's association from adopting a less restrictive definition of accessory dwelling units.

~~(5)~~ (4) The provisions of this section do not apply to any rentals defined in section 63-1803(4), Idaho Code.

SECTION 2. That Chapter 65, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6541, Idaho Code, and to read as follows:

67-6541. ACCESSORY DWELLING UNITS. (1) No city shall enact or enforce any ordinance, rule, regulation, or policy that bans accessory dwelling units in any residential zoning area within its jurisdiction. An accessory dwelling unit shall be classified as a residential land use for zoning purposes subject to all applicable zoning requirements. "Accessory dwelling unit" means a self-contained living unit that includes its own cooking, sleeping, and sanitation facilities and that is located on the same lot as a single-family primary dwelling. An accessory dwelling unit may be internal, attached, or detached but does not include a motorhome, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.

(2) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code, to:

(a) Allow for either one (1) internal accessory dwelling unit within the single-family dwelling or one (1) detached accessory dwelling unit per lot in the rear yard or subject to setbacks required of the primary dwelling;

(b) Prohibit requiring any off-street parking or guest parking for any accessory dwelling unit unless the principal dwelling unit does not have off-street parking or the street is not paved and designed or constructed for on-street parking or unless the principal dwelling unit is within one-fourth (1/4) mile of transit, an employment area, or commercial services;

(c) Prohibit imposing impact fees or utility connection fees on accessory dwelling units that are greater than those imposed on other single-family dwellings;

(d) Prohibit limiting the size of an accessory dwelling unit to less than one thousand (1000) square feet or seventy-five percent (75%) of the size of the primary dwelling;

(e) Prohibit an owner-occupancy requirement for the primary dwelling or for the accessory dwelling unit;

1 (f) Prohibit imposing a limit on building height that is less than the
2 height of an existing single-family primary dwelling on a lot; and

3 (g) Prohibit restrictions for accessory dwelling units that are more
4 restrictive than restrictions for single-family dwellings within the
5 same zoning district with regard to setbacks, lot size, or coverage or
6 building frontage.

7 (3) Accessory dwelling unit projects that meet the jurisdiction's es-
8 tablished land use requirements shall be approved administratively and as a
9 matter of right, without the need for discretionary approval.

10 (4) Any approval standards, special conditions, and procedures for ap-
11 proval adopted by a local government shall be clear and objective and shall
12 not have the effect, either singularly or cumulatively, of discouraging the
13 development of accessory dwelling units through unreasonable cost or delay.

14 (5) Nothing in this section shall prohibit a city from enacting a reg-
15 ulation, standard, or condition that is less restrictive than the require-
16 ments of this section.

17 (6) The provisions of this section shall apply only to cities with a
18 population greater than ten thousand (10,000).

19 (7) The provisions of this section shall not supersede state or local
20 laws that protect public health, safety, and welfare, including:

21 (a) Building codes, fire safety standards, and flood plain regula-
22 tions;

23 (b) Laws regarding water, sewer, storm drainage, road access, and util-
24 ity services necessary to support the required density;

25 (c) Laws regarding environmental hazards, aquifer recharge zones,
26 steep slopes, and critical habitat protections; and

27 (d) Laws and regulations regarding setback requirements for rights-of-
28 way and easements.

29 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
30 to be severable and if any provision of this act or the application of such
31 provision to any person or circumstance is declared invalid for any reason,
32 such declaration shall not affect the validity of the remaining portions of
33 this act.

34 SECTION 4. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2026.

CHAPTER 17.01: GENERAL PROVISIONS:

17.01.150: DEFINITIONS:

COTTAGE COURT: A residential development comprised of at least four (4) detached single-family dwelling units, either individually subdivided or collectively on one lot (detached multi-family dwelling units) and arranged on at least two sides of a common open space.

MANUFACTURED HOME: Any dwelling unit(s) constructed after June 1976, in accordance with the U.S. department of housing and urban development (HUD) manufactured home construction and safety standards, that is ~~factory built house structure~~ transportable in one (1) or more sections built on a permanent chassis and designed ~~to be used as a dwelling unit~~ with or without a permanent foundation when connected to the required utilities. Said dwelling unit(s) shall bear an insignia or certification demonstrating its compliance with the standards of the Idaho State Department of Labor and Industries pursuant to RCWW 43.22 for homes built between 1968 and 1976 and as required by HUD standards established under 42 U.S.C. 5401 et seq. See Idaho Code section 39-4105. Contrast with commercial coach, recreational vehicle or motor home, which are not manufactured homes.

~~MANUFACTURED HOME, INSIGNIA: Any manufactured home that bears an insignia or certification label showing that its construction complies with the standards established by the Idaho state department of labor and industries pursuant to RCWW 43.22 for homes built between 1968 and 1976, or by the U.S. department of housing and urban development pursuant to the national manufactured home construction and safety standards act of 1974 (42 USC 5401-5426 as now existing and in accordance with any amendments that may hereafter be made thereto) for homes built since June 1976.~~

MANUFACTURED HOME LOT: Any portion of a manufactured/mobile home park designated as the location for one manufactured home and its accessory structures.

~~MANUFACTURED HOME, NONINSIGNIA: Any manufactured home that does not bear the insignia or certification referenced above; sometimes referred to as a mobile home.~~

MANUFACTURED/MOBILE HOME PARK: Real property under single ownership and management, or multiple ownerships and a single management, which is used as the location for two (2) or more manufactured homes that are, or are intended to be, occupied as dwelling units on a nontransient basis.

MOBILE HOME: Any dwelling unit that does not bear an insignia or certification demonstrating compliance with Idaho state department of labor and industries or HUD standards, is factory-

assembled and generally constructed prior to June 1976 and equipped with necessary service connections and made so as to be readily moveable as a unit or units on their own running gear and designed with or without a permanent foundation. See Idaho Code section 39-4105

17.02.160: VARIANCES:

A. Definition: A variance is a modification of the bulk and placement requirements of this title as to lot size, lot width, lot depth; front yard, side yard, rear yard setbacks; parking space requirements, height of buildings, or other ordinance provisions adversely affecting the development ~~or use~~ of property. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest.

CHAPTER 17.05.300: INFILL AND REDEVELOPMENT STANDARDS:

17.05.310: PURPOSE:

The purpose of the infill and redevelopment standards is to encourage compatible development in established areas on vacant, under utilized, or partially used land. Except as specifically provided in this section, the standards and requirements of the underlying zoning regulations, other sections of this title, and other provisions of this code shall apply. The following standards are intended to allow greater flexibility for development to achieve the following community objectives:

- A. Efficient use of existing infrastructure and services (i.e., streets, water, sewer, solid waste disposal);
- B. Provision of affordable housing;
- C. Accomplishment of comprehensive plan goals related to compact development;
- D. More efficient use of developable land;
- E. Increased walkability and the reduction of vehicle miles traveled by creation of a more compact form of development;
- F. Avoidance of urban sprawl.

17.05.320: APPLICABILITY:

Infill and redevelopment standards shall apply only if all of the provisions of this section are met. All infill development parcels must comply with the requirements of the zoning district in which the parcel is located, except as modified by the provisions of this section, which shall supersede the requirements of the underlying zoning district. Infill development standards may be applied to several parcels of land assembled for redevelopment only if each individual parcel within the said assemblage meets the definition of an infill development parcel.

The provisions of this section shall only apply to new land subdivisions and developments that meet the criteria of section 17.05.330 of this chapter and are located within one of the following zones:

- A. Residential estate (RE);
- B. Residential low density ~~single-family~~ (RL);
- C. Residential medium density single-family (RMS);
- D. Residential medium density multi-family (RMM);
- E. Residential high density ~~multi-family~~ (RH);
- F. Residential/commercial/professional (RCP).

17.05.330: INFILL DEVELOPMENT PARCEL CRITERIA:

All infill development applications shall include documentation, provided by the applicant, demonstrating that the proposal complies with the following criteria:

- A. Bound on two (2) or more sides by existing development;
- ~~B. Where the utilities are available in abutting streets and/or alleyways so that extension of trunk utility lines is not required;~~
- ~~B.~~ The project has an elevation less than or equal to 4,600';
- ~~D.~~ The project ~~is either not platted or~~ has been platted for a minimum of ~~twenty-five (25)~~ five (5) years in its current configuration from the date of application submittal; and
- ~~E.~~ The project is ~~no larger~~ less than ~~three (3)~~ four (4) acres.

17.05.340: GENERAL INFILL DEVELOPMENT STANDARDS:

The following standards are intended to ensure that infill development is compatible with existing buildings and neighborhoods, and therefore apply to all new residential development:

- A. Review Process: Single-family and two-family dwellings shall meet the standards of this section and shall be subject to review by the director. Appeals of this decision shall be to the hearing examiner. Multi-family and attached dwelling developments shall meet the standards of this section, and shall be subject to review in accordance with section 17.02.500, "Site Plan Review Committee", of this title.
- B. Materials: The new dwelling unit shall be built with materials compatible with dwellings on abutting parcels or facing the subject block, unless a case can be made for an alternate design.
- C. Trees: One tree with a minimum of one and one-half inch (1.5") caliper shall be planted in the planter strip or front yard for every thirty-five feet (35') of lot frontage.
- D. Parking areas shall be located behind buildings wherever possible.

E. Multi-family developments shall include visual screening for all mechanical, electrical, communications, and service equipment. The equipment shall be visually screened from the public right of way by parapets, walls, fences, landscaping, or other suitable means.

17.05.340350: ~~GENERAL~~ INFILL DEVELOPMENT STANDARDS FOR INDIVIDUAL PARCELS:

When an infill development project does not require a land division, the following standards shall apply. Minimum lot size requirements of the underlying zoning district may be reduced in accordance with one of the two (2) methods described below.

A. Lot Size Reductions With Land Dedications ~~In-Conjunction With Land Divisions:~~ Reductions to lot sizes shall be permitted where land dedications for permanent parks and open space, including greenway and trail easements, are accepted by the city ~~through the subdivision or partition approval process, reductions to lot sizes shall be permitted on a one-for-one basis, up to the total square footage of dedications,~~ subject to the following requirements:

1. No lot shall be reduced to less than forty percent (40%) of the minimum lot size established by the standards of the underlying zoning district through the application of this provision.

2. Text or a table describing the allocation of right of way, parks, and permanent open space area ~~credits~~ among platted lots shall be recorded as ~~part of the plat drawings~~ part of a plat or a record of survey.

3. At the discretion of the city, permanent open space may be conveyed to a land trust, conservancy, or other organization formed to preserve land in an open space condition, in lieu of dedication to the public or conveyance of title to the city.

4. Reduced size lots must provide a land area with dimensions sufficient to accommodate buildings, parking lots, path, trail, etc., in accordance with the land use, setbacks, and other requirements of the underlying zoning district. ~~unless a variance is granted pursuant to the terms of section 17.02.160 of this title.~~

B. Lot Size Reduction: To make better use of land at locations where strict application of minimum lot size requirements precludes efficient infill and redevelopment, the size of lots within a subdivision may be reduced in accordance with the following requirements:

1. ~~Absent a variance,~~ No lot shall be reduced to less than sixty percent (60%) of the minimum parcel size established by the standards of the underlying zoning through the application of this provision; and

2. Reduced size lots must provide a land area with dimensions sufficient to accommodate buildings, parking lots, etc., in accordance with the land use, setbacks, and other requirements of the underlying zoning district. ~~unless a variance is granted pursuant to the terms of section 17.02.160 of this title.~~

17.05.350: INFILL AND REDEVELOPMENT STANDARDS:

The following standards are intended to ensure that infill development is compatible with existing buildings and neighborhoods, and therefore apply to all new residential development:

- ~~—A. Review Process: Single-family and two-family dwellings shall meet the standards of this section and shall be subject to review by the director. Appeals of this decision shall be to the hearing examiner. Multi-family and attached dwelling developments shall meet the standards of this section, and shall be subject to review in accordance with section 17.02.500, "Site Plan Review Committee", of this title.~~
- ~~—B. Materials: The new dwelling unit shall be built with materials compatible with dwellings on abutting parcels or facing the subject block, unless a case can be made for an alternate design.~~
- ~~—C. Trees: One tree a minimum size of one and one-half inch (1 1/2") caliper shall be planted in the planter strip or front yard for every thirty five feet (35') of lot frontage.~~
- ~~—D. Parking areas shall be located behind buildings wherever possible.~~
- ~~—E. Multi-family developments shall include visual screening for all mechanical, electrical, communications, and service equipment. The equipment shall be visually screened from the public right of way by parapets, walls, fences, landscaping, or other suitable means.~~

17.05.360: ~~RESERVED~~ INFILL SUBDIVISIONS:

The purpose of an infill subdivision is to enable additional housing opportunities and compact neighborhood design.

A. Infill Subdivision Criteria: In addition to the infill development parcel criteria listed in this chapter, infill subdivisions shall also meet the following criteria:

1. Minimum lot sizes of the underlying zoning district shall not apply; and
2. Setbacks: Minimum setback requirements shall include the following, all other setbacks not listed shall adhere to the requirements set forth in the underlying zoning district:
 - a. Front and Rear: fifteen feet (15') or the minimum setback requirement of the underlying zoning district, whichever is less;
 - b. Side Facing Street: five feet (5');
 - c. Side: five feet (5').

B. Cottage Court Infill Subdivisions: Cottage Courts, as defined in this title and in addition to the infill development parcel criteria listed in this chapter, shall meet the following criteria:

1. Minimum lot sizes of the underlying zoning district shall not apply;

2. Setbacks: Minimum setback requirements shall include the following, all other setbacks not listed shall adhere to the requirements set forth in the underlying zoning district:

a. Front Units: Units closest to the street upon which the property is addressed shall have a setback of fifteen feet (15') from the front property line to the nearest point of the structure or the minimum front setback requirement of the underlying zoning district, whichever is less;

b. Interior Sides (from structure to lot line in between units): Five feet (5');

c. Unit Front (facing common space): zero feet (0');

d. Unit Rear (opposite side of common space): Five feet (5').

3. Open Space: A minimum of four hundred (400) square feet per unit of common open space is required and shall include:

a. A three-foot (3') concrete walkway from each unit to the street upon which the property is addressed;

b. Landscaping that includes at least fifty percent (50%) vegetative groundcover of the total common open space;

c. At least two (2) trees with a minimum of one and one-half inches (1.5") in caliper for every four (4) units;

d. at least one (1) usable amenity for every four (4) units (e.g., picnic tables, play equipment, benches, etc.).

4. Unit Orientation & Site Layout: Units closest to the street upon which the property is addressed shall be oriented toward the street or the common open space; All other units shall abut and shall be oriented toward the common open space. If the development is located on a corner parcel, the common open space shall abut the intersection and no unit shall have the rear facing a street.

5. Parking Facilities: Parking areas and driveways may be located between any structure and the rear lot line of the development or side lot line of the development which is not a street side lot line. Parking areas and driveways shall not be located between cottage court units and the street nor shall they be located within the common open space, between units, or between units and the common open space.

17.05.370: APPLICATION PROCESS:

Applications for development projects wishing to utilize infill development standards shall follow the applicable land use process, such as a subdivision or planned unit development. The applicant shall meet with planning staff personnel to discuss submission of the development plan and application. The purpose of this meeting is for preliminary and informal review of the

criteria and standards, to familiarize the applicant with the pertinent land use and development standards, and to explain the process which will be followed.

CHAPTER 17.06: SPECIAL USE STANDARDS:

17.06.100: ACCESSORY DWELLING UNITS:

A. Purpose: The purpose of this section is to encourage provision of a wider variety of dwelling units, a mix of housing types that responds to changing family needs, a means for residents to remain in their neighborhoods, as well as allowing new housing while preserving the existing neighborhood character.

B. Applicability: Accessory dwellings are permitted in all residential, commercial, and mixed use zoning districts, provided they are in compliance with the provisions set forth in this section. If conflicts occur between these and other standards of this title, the more restrictive shall apply.

C. Accessory Dwelling Standards:

1. Accessory ~~Residential~~ Dwelling Unit: An accessory ~~residential~~ dwelling unit is a second dwelling unit either within or added to an existing detached single-family dwelling, or constructed as a separate accessory structure on the same lot as the single-family dwelling. The accessory dwelling unit functions as a complete, independent living facility, with provisions within the unit for a separate kitchen, bathroom, and sleeping area. All standards of this code shall be met, except as modified herein.

2. Density: One (1) accessory ~~residential~~ dwelling unit is permitted within or added to an existing detached single-family dwelling or constructed as a separate accessory structure. An accessory dwelling unit may be allowed as an accessory use to a primary single-family dwelling on any residential lot ~~that meets the minimum lot size of the applicable residential district.~~ Accessory dwelling units will not be counted in density calculations.

3. Unit Size: An accessory dwelling ~~residential~~ unit shall not exceed ~~seven hundred fifty (750) one thousand (1,000)~~ square feet in size or seventy-five percent (75%) of the size of the primary single-family dwelling unit, whichever is less. ~~and shall not have more than one bedroom or sleeping room.~~

4. Off Street Parking: Accessory dwelling units do not require off-street parking in addition to what is required for the primary single-family dwelling. If on-street parking is available adjacent to the primary dwelling and off-site parking standards are met for the primary dwelling, only one additional off street parking space shall be required for the accessory residential unit. If on street parking is not available for the primary structure, two (2) off street parking spaces shall be provided for the accessory dwelling unit.

5. Building Height: The height of the accessory ~~residential~~ dwelling unit shall not exceed the height of the ~~main structure~~ primary single-family dwelling unit, measured at the peak, or twenty feet (20') in height, whichever is greater. ~~or as permitted by the underlying zoning district, whichever is less.~~

6. Orientation And Access: For accessory residential units in structures other than the primary dwelling on a lot, a walkway shall be provided from the unit to the street on which the primary dwelling fronts or an adjacent alley. The walkway shall be a minimum of three feet (3') wide and shall be finished with a hard, all weather surface. On corner lots, the accessory residential unit may be oriented to a different street than the primary dwelling, and the walkway may be provided to a street other than the front street. If the entrances to both the primary and accessory dwelling unit face the same street, the entrance to the accessory dwelling unit shall be minimized in appearance.

7. Design Compatibility: In order to maintain an exterior consistent with the primary dwelling, the accessory dwelling unit shall have siding, roofing materials, exterior paint colors, window trim, and roof style that are compatible to match that of the primary dwelling unit; ~~unless a case can be made for alternative designs.~~

8. Utility Hookups: Shared or separate utility hookups must comply with city requirements.

~~—9. Deed Restriction: A deed restriction shall be recorded requiring that either the primary unit or the accessory unit be owner occupied.~~

~~109.~~ Substandard Lots Prohibited: Subdivision or other lot split into substandard lots shall be prohibited.

17.06.200: ACCESSORY STRUCTURES:

A. Residential Zoning Districts: Accessory structures are permitted by right in all residential zoning districts, subject to the following:

1. Dimensional Requirements:

a. The combined footprint of all accessory structures shall be no larger than the square foot area of the primary structure;

b. Accessory structures ~~may~~ shall not exceed the height of the primary structure, measured at the peak, or twenty feet (20') in height, whichever is greater;

c. Accessory structures shall not be located within the front yard setback, nor the corner setback as required by the underlying zoning district;

d. Container units, railroad cars, semitrailers, or the like shall not be used as or considered accessory structures;

e. Accessory structures greater than two hundred (200) square feet shall maintain a minimum five foot (5') interior side and rear yard setback;

f. Accessory structures less than two hundred (200) square feet in size shall be subject to retaining all stormwater on site and maintaining the required fire separation of the building code;

g. In no event shall accessory structures be located within designated easements.

2. Nondimensional Requirements:

a. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right of way including, but not limited to, streets, alleys and public and private easements;

b. An accessory structure shall comply with all of the requirements of the international building code, as adopted. Building permits shall be obtained for accessory structures as required by adopted building codes;

c. An accessory structure that is nonconforming is subject to the provisions of section 17.01.170 of this title, when alteration, expansion or reconstruction is requested;

~~d. The erection of video programming receiving dishes or antennas shall meet the requirements of the federal communications commission.~~

17.06.300: MANUFACTURED/MOBILE HOME AND RECREATIONAL VEHICLE PARKS:

D. Manufactured Homes On Individual Lots: Any manufactured home proposed for placement on an individual lot outside of a manufactured/mobile home park shall meet the following standards:

1. ~~Be an insignia home~~ Adhere to all standards as required by Idaho Code section 39-4105;
2. Be either a single section or multisectional and shall enclose a space of at least four hundred (400) square feet for a single section or eight hundred (800) square feet for a multisectional manufactured home. ~~Be multisectional and enclose a space of not less than one thousand (1,000) square feet,~~ not including garage or other noninhabitable space;
3. Be placed on a permanent foundation that meets the applicable building codes;
4. Have a pitched roof with not less than a three to twelve (3:12) ratio;
5. Have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings;

6. Adhere to all performance standards required by the underlying zoning district, such as, but not limited to, lot size and coverage, parking provisions, height, and setbacks.

17.06.700: STARTER HOME SUBDIVISIONS:

A. Purpose: The purpose of this section is to allow for starter home subdivisions which enable additional housing opportunities and compact neighborhood design as defined by the State of Idaho (see Idaho Code §67-6541).

B. Applicability: Starter home subdivisions are permitted provided they are in compliance with the provisions set forth in this section as well as all applicable provisions set forth in Title 16: Subdivision Regulations. Infill development standards and administrative adjustments outlined in this Title shall not apply to starter home subdivisions. The provisions of this section shall be applied in conjunction with the provisions of the underlying zoning district and all applicable development standards as required in this Title. Where the provisions of this section and the underlying zoning district conflict, the requirements of this section shall apply. The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare.

C. Starter Home Subdivision Criteria: All starter home subdivisions shall meet the following criteria:

1. Housing Types: A starter home subdivision shall be comprised of single-family detached dwellings only.

2. Zoning Districts: A starter home subdivision shall be located in one of the following zones:

a. Residential Estate (RE);

b. Residential Low Density (RL);

c. Residential Medium Density Single-Family (RMS);

d. Residential Medium Density Multi-Family (RMM);

e. Residential High Density (RH).

3. Acreage: A starter home subdivision shall be located on at least four (4) acres of land.

4. Density: Lots shall not exceed one thousand five hundred (1,500) square feet in size.

5. Setbacks: Minimum setback requirements shall include the following, all other setbacks not listed shall adhere to the requirements set forth in the underlying zoning district:

a. Front and Rear: fifteen feet (15') or the minimum setback requirement of the underlying zoning district, whichever is less;

b. Side Facing Street: five feet (5');

c. Side: five feet (5').

Housing Opportunities & Choices

Building quality housing for families of all life stages and income levels is an integral part of a Smart Growth approach. ~~Housing constitutes a significant share of new construction and development in any city, but its economic importance is sometimes overlooked.~~ Adding housing in commercial districts can breathe new life into these neighborhoods in evenings and on weekends. More importantly, the housing options available in a community will influence families' economic opportunity, costs of living, and time spent commuting each day. Diversifying housing options within existing neighborhoods can give everyone more choices about where to live. [Housing opportunities include but are not limited to: Starter Home Subdivisions \(Idaho Code §67-6542\), Accessory Dwelling Units \(Idaho Code §67-6541\), and Manufactured Homes \(Idaho Code §67-6509A\).](#)