



Accessory Dwelling Unit

Accessory dwelling unit (ADU): is a dwelling unit that is associated with and is a subordinate use to a principal dwelling unit on one lot.



Check List: The following must be submitted in order to obtain a building permit for an ADU

- ☐ - **ADU Application Form:** Fill out and complete
- ☐ - **Site Plan:** Showing property all boundaries, setbacks, parking, and principle dwelling.
- ☐ - **Building Plans;** Floor plans and building elevations of all sides.
- ☐ - **2nd Story Step Back Elevation Plans:** Side Yard and Rear Yard depictions
- ☐ - **Lot Coverage Plan:** Plan illustrating all pervious surfaces and calculations
- ☐ - **County Recording:** Notice to title recorded with County.



Accessory Dwelling Unit

Overview of ADU Development Standards:

Maximum Building Height :

- One Story ADU Structure: Eighteen feet (18') when built in the rear yard.
- ADU above a detached garage: Twenty-four feet (24') when built in the rear yard and must meet the second story step back requirement

Setback :

- Front Yard: 20 feet
- Side Yard: 5/10 feet no alley, 5/5 feet alley lot
- Side Yard, fronting a street 10 feet
- Rear Yard: 5 feet no alley, 3 feet alley—must meet 2nd story step back requirement

Parking:

- One space for ADU and Two spaces for the main house

Size And Scale:

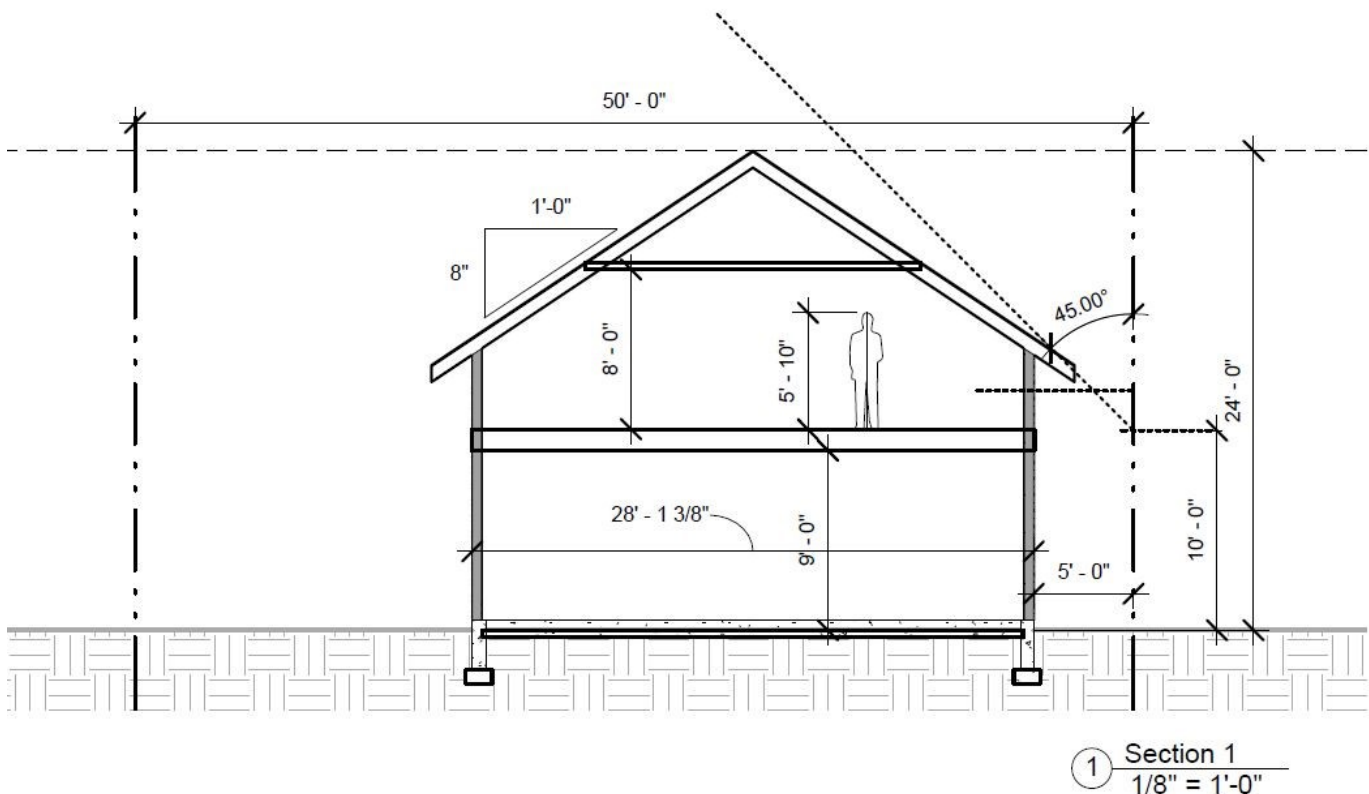
- No minimum size.
- Maximum size shall be eight hundred (800) square feet (finished area; does not include unfinished basements).
- An ADU shall not exceed seventy-five percent (75%) of the total square footage of the primary dwelling unit, excluding the garage area.

Accessory Dwelling Unit

Second Story Step Back :

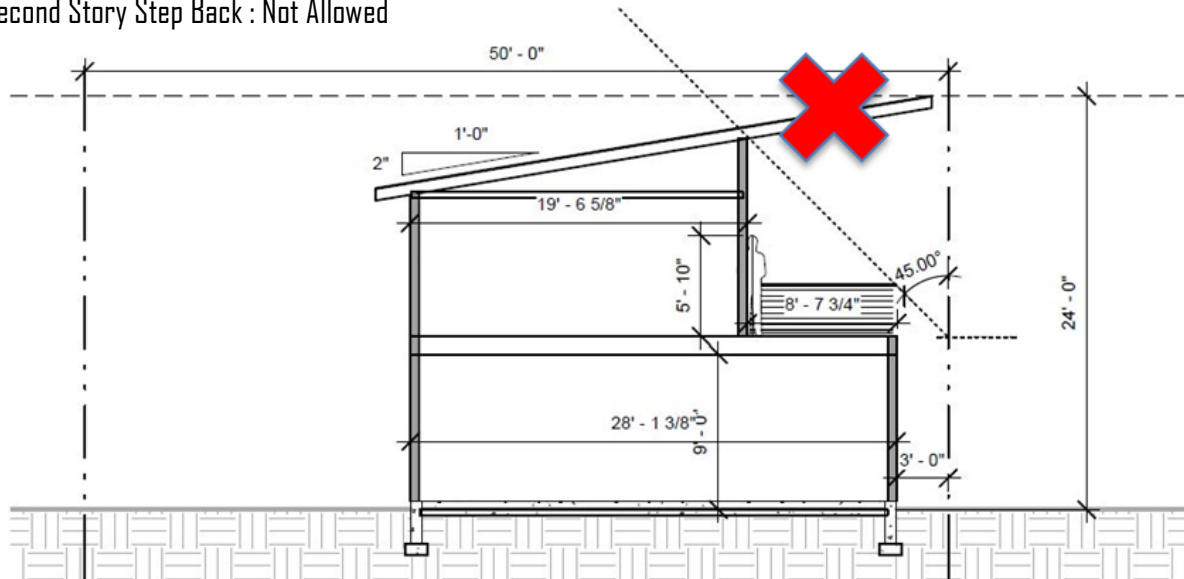
Required for Attached and Detached ADUs in the Rear Yard. A newly constructed or second-story addition to an existing structure within the Rear Yard must have second story step backs that meet the following requirements:

- The upper step back begins at a height of ten feet (10') on the interior side property line and at fifteen feet (15') on the rear yard property line (see figures below).
- The step back is at 1:1 measurement, which equates to a forty-five degree (45°) angle.
- A building permit application must show all dimensions, setbacks, and step backs as shown in the figures below.



Accessory Dwelling Unit

Second Story Step Back : Not Allowed



Lot Coverage & Pervious Surface Requirement :

- A thirty percent (30%) pervious surface is required for all lots with an ADU.
- Pervious surfaces include such things as grass, Astro Turf, pavers, grasscrete, gravel, and decking materials (unless there is a concrete or impervious surface below).
- The building permit application must show all pervious areas on the lot and the calculation of a separate plan titled "Lot Coverage/Pervious Surface Plan."

County Recording Requirements:

- Notice to title - ADU affidavit
- Identifies the address of the property, states that an accessory dwelling unit is located on the property and includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section.

SEE Full ADU Code Requirements in Sterling Codifiers, Code 17.06.650— 17.06.670.



Accessory Dwelling Unit Regulations

Effective Date: August 26, 2019

17.06.650: ACCESSORY DWELLING UNITS (ADU); PURPOSE AND APPLICABILITY:

A. Purpose: The purpose of allowing ADUs is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.
2. Add affordable units to the existing housing.
3. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the City.
4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this chapter.

B. Applicability: Accessory dwelling units are permitted within all residential and commercial zoning districts, subject to the provisions of this Code.

17.06.660: ACCESSORY DWELLING UNITS; BASIC DEVELOPMENT STANDARDS:

A. Maximum Building Height: Maximum building heights for ADUs are:

1. Thirty two feet (32') when built within the building envelope for the principal structure.
2. One Story ADU Structure: Eighteen feet (18') when built in the rear yard.
3. ADU above a detached garage: Twenty-four feet (24') when built in the rear yard and must meet the second story step back requirement as provided in section 17.06.660(M).
4. Railing, parapets, equipment, and other similar structures/fixtures/architectural elements are included in the maximum height.

B. Setbacks: Setbacks for ADUs are:

1. Setbacks for ADUs in the principal building envelope are:

- a. Front: The front yard requirement shall be twenty feet (20').
- b. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.
- c. Side, Street: The street side yard requirement shall be ten feet (10').
- d. Rear: The rear yard shall be twenty-five feet (25') from the rear property line.

2. Setbacks for ADUs located in the rear twenty-five feet (25') of a lot:

- a. Side Yard: Shall be at least five feet (5') from the side lot line.
- b. Rear Yard: Shall be at least five feet (5') from the rear lot line.
 - (i) Lots with an alley in the rear of the lot may have a setback of three feet (3') from the rear property line.
 - (ii) Rear Yard Exception: A detached ADU may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above stated requirements, provided the detached structure does not exceed the maximum height set out in section 17.06.660(A) and meets the second story step back requirements of section 17.07.660(M).

C. Parking: One additional parking space beyond that required for the principal dwelling is required for an ADU.

D. Owner Occupancy: Either the principal dwelling unit or the accessory dwelling unit must be occupied by a majority owner of the property if a unit is used as a short-term or vacation rental. "Owner occupied" means that a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and physically resides at the site more than six (6) months out of any given calendar year.

E. Number Of Occupants: One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling; provided the total number of occupants in both the principal dwelling unit and accessory dwelling unit combined does not exceed the maximum number established for a "family" as defined in section 17.02.055 of this title.

- F. Subdivision: An accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- G. Size And Scale: The accessory dwelling unit shall meet the following:
1. No minimum size.
 2. Maximum size shall be eight hundred (800) square feet (finished area; does not include unfinished basements).
 3. An ADU shall not exceed seventy-five percent (75%) of the total square footage of the primary dwelling unit, excluding the garage area.
- H. Location: The accessory dwelling unit may be added to or included within the principal unit, including a basement, or located in a detached structure. Other Code standards apply.
- I. Entrances for ADUs attached to principal unit: The single-family dwelling containing the accessory dwelling unit shall have only one entrance on each front or street side for the ADU.
- J. Additions: Additions to an existing structure for the purpose of developing an accessory dwelling unit shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
- K. Conversion Of Existing Detached Structures/Garages/Sheds: Any existing detached structure may be converted into an accessory dwelling unit provided it meets the following:
1. The structure meets the current adopted Building Code and a building permit can be issued.
 2. The structure is not over the property line or in the City's right-of-way.
 3. The structure complies with current building and zoning standards if it is to be expanded.
 4. The structure cannot be expanded outward or upward, regardless of the provisions of the Non-Conforming Code, without complying with current standards.
 5. An existing garage with a valid building permit and a height between eighteen feet (18') and twenty-five feet (25') may be converted into an ADU if it can meet the requirements of item 1 above.
- L. Short-Term Rentals: If an accessory dwelling unit (ADU) is going to be used for less than 30-day stays, the owner shall comply with the rules of short-term rental requirements in chapter 17.08, article X of this title.

M. Second Story Step Back: Required for Attached and Detached ADUs in the Rear Yard. A newly constructed or second-story addition to an existing structure within the Rear Yard must have second story step backs that meet the following requirements:

1. The upper step back begins at a height of ten feet (10') on the interior side property line and at fifteen feet (15') on the rear yard property line (see figures below).
2. The step back is at 1:1 measurement, which equates to a forty-five degree (45°) angle.
3. A building permit application must show all dimensions, setbacks, and step backs as shown in the figures below.
4. There is no second story step back requirement on the street side of a corner lot.
5. Eaves are allowed to project two feet (2') into the step back air space.

Figure 1: Side Yard Second Story Step Back

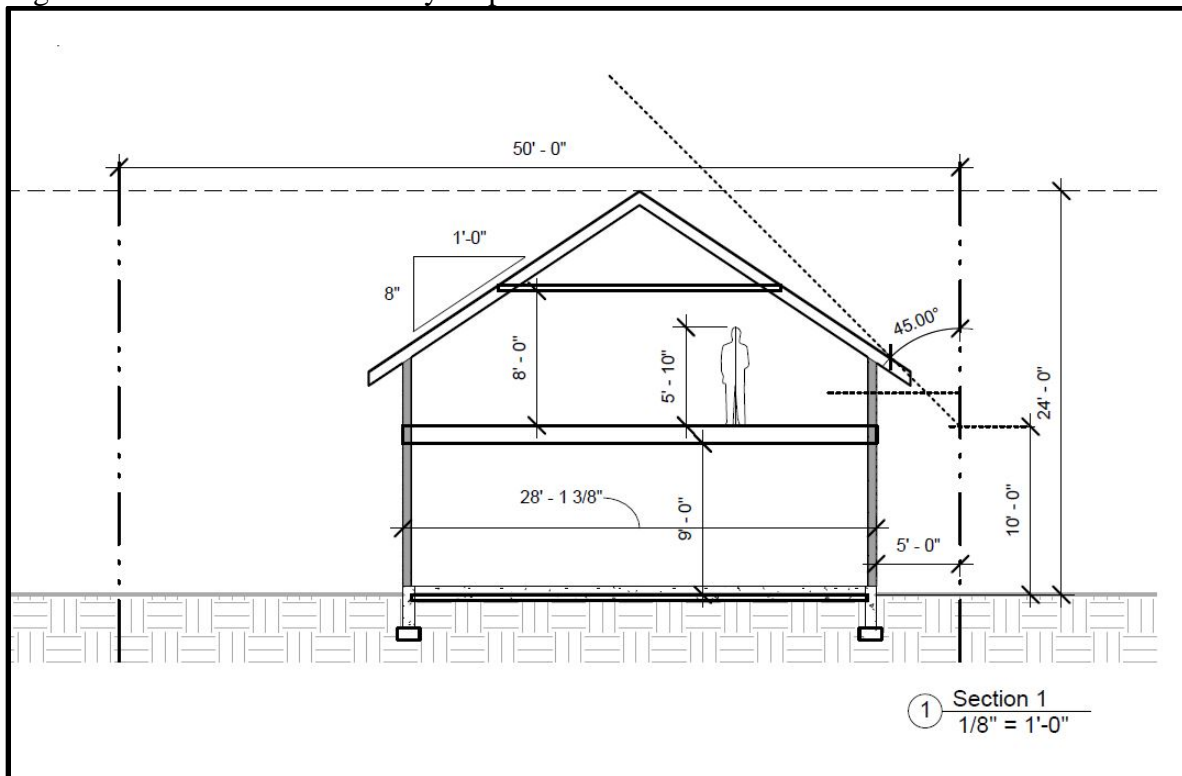


Figure 2: Side Yard Second Story Step Back, 2-Foot Eave Projection Allowed

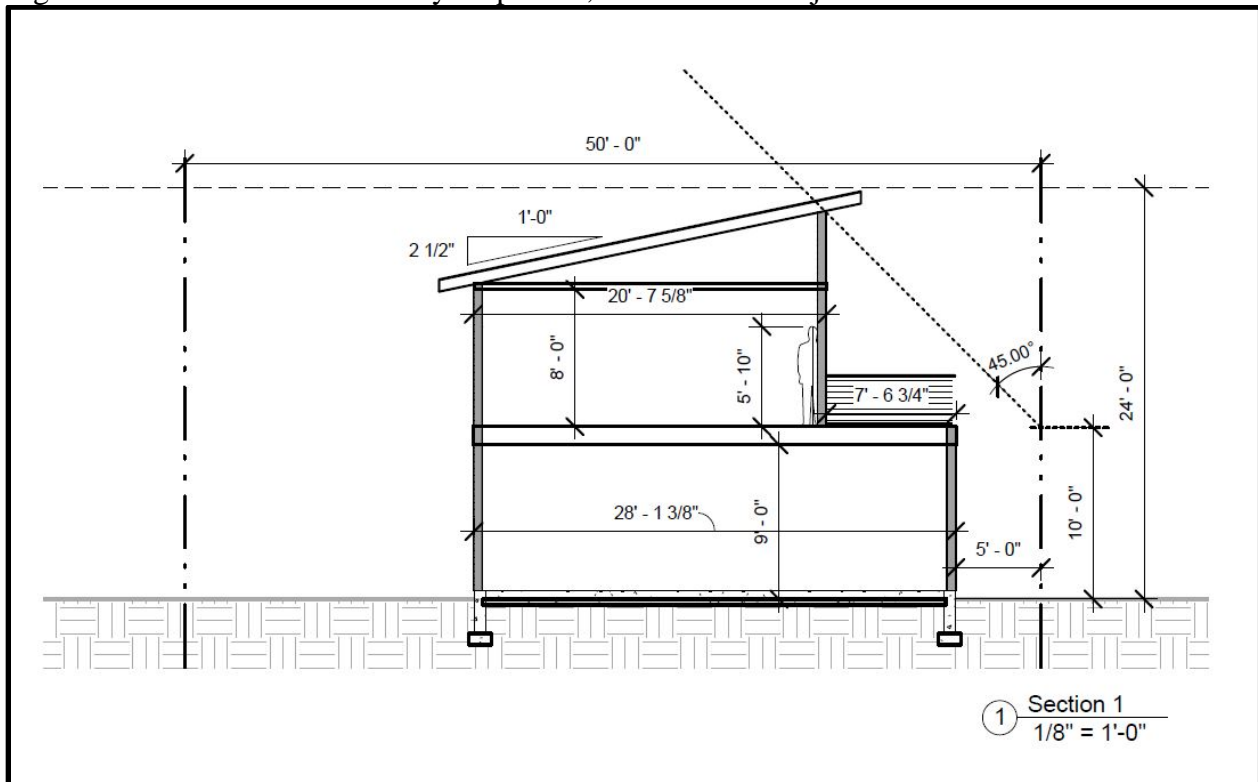


Figure 3: Side Yard Second Story Step Back, Roof Projection Not Allowed

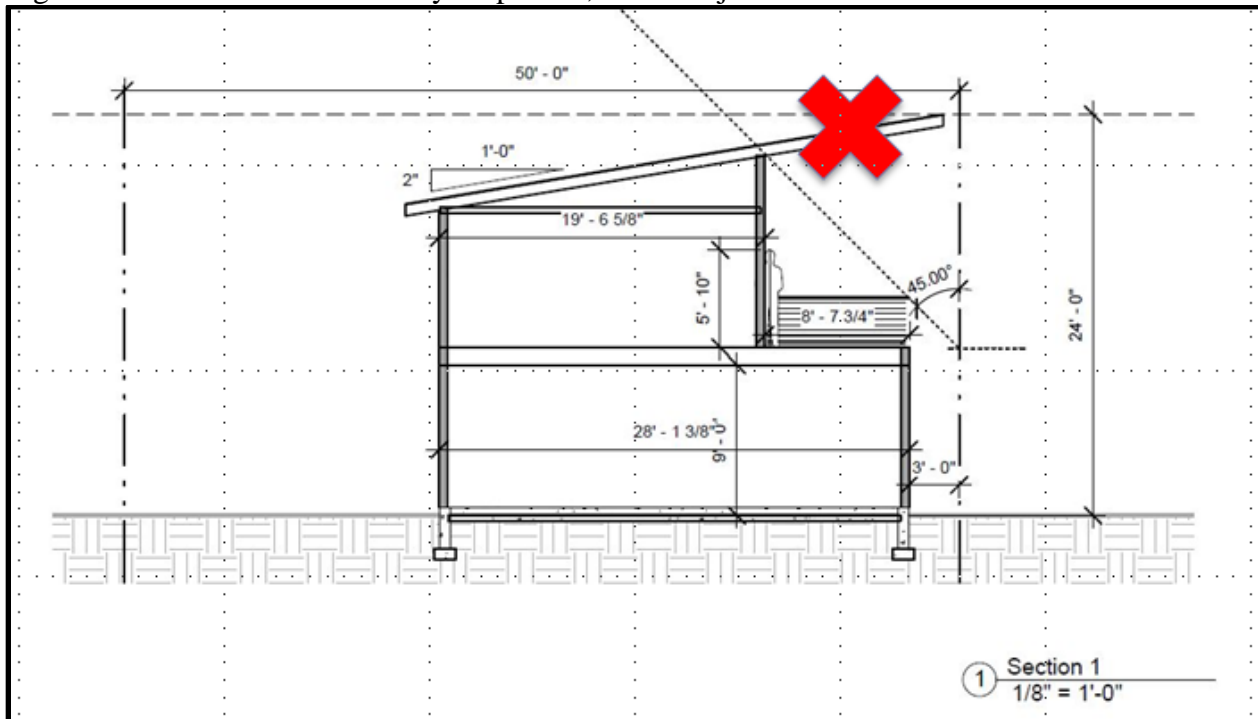


Figure 4: Side Yard Second Story Step Back, Not Allowed

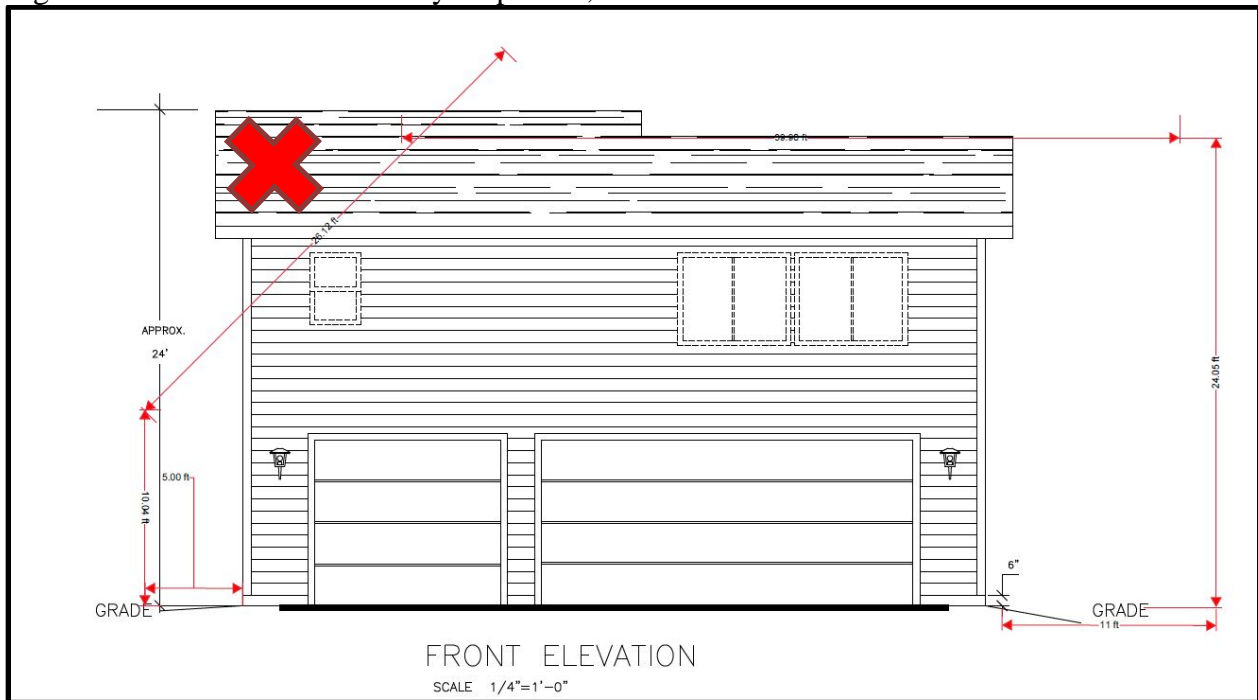


Figure 5: Rear Yard Second Story Step Back, With Alley

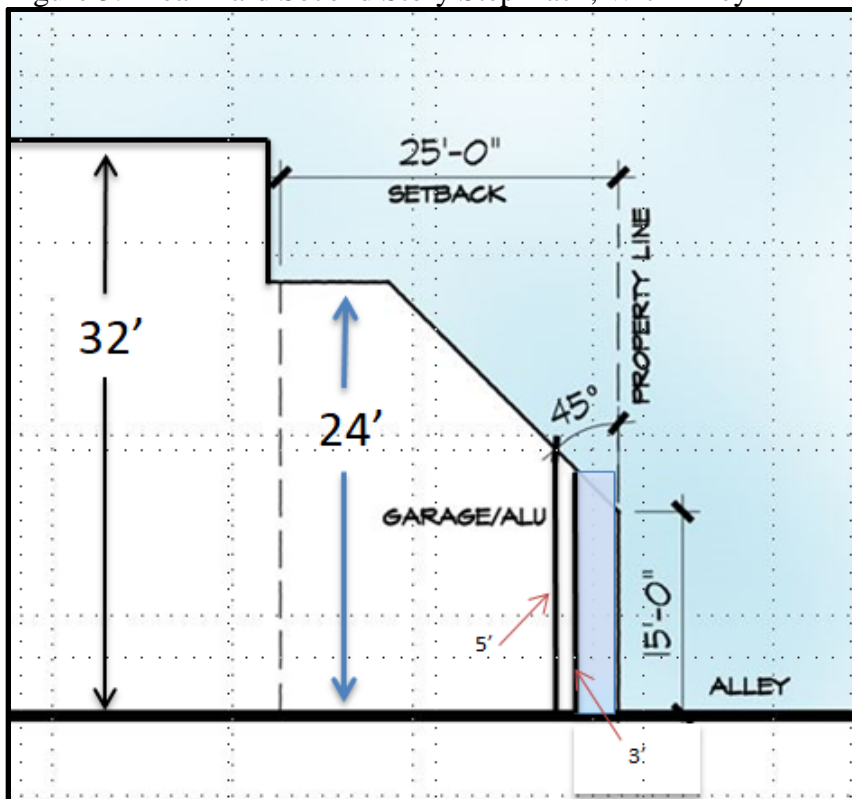
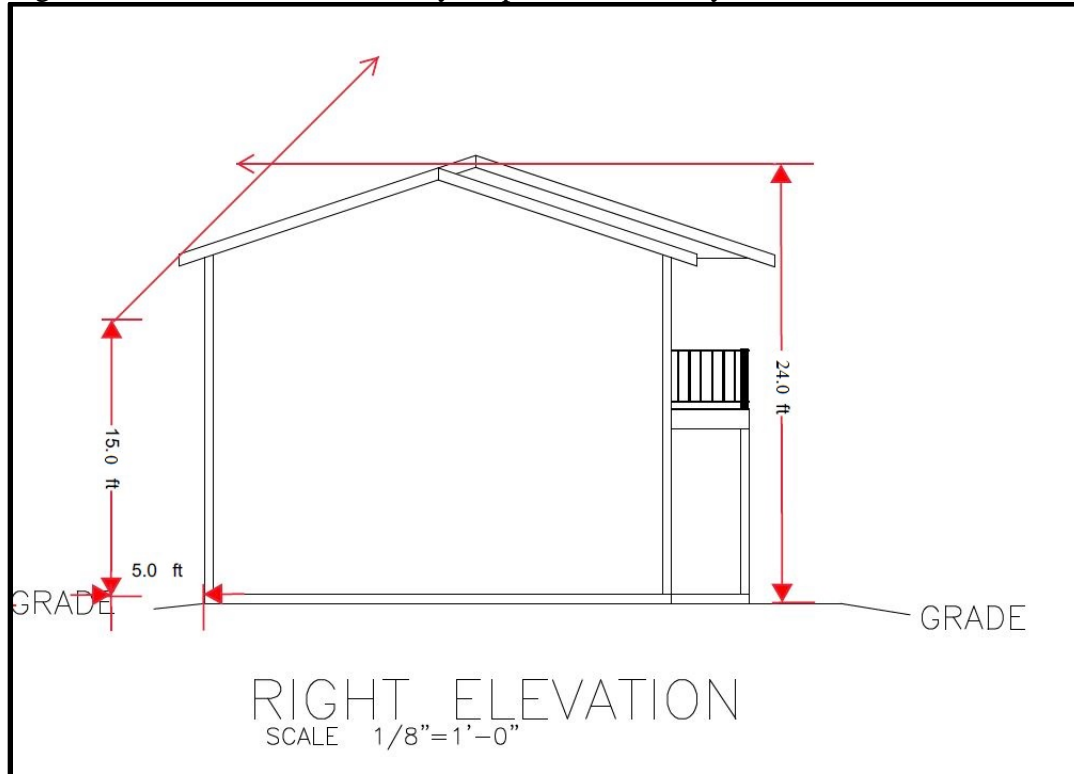


Figure 6: Rear Yard Second Story Step Back, No Alley



N. Lot Coverage & Pervious Surface Requirement:

1. A thirty percent (30%) pervious surface is required for all lots with an ADU.
2. Pervious surfaces include such things as grass, Astro Turf, pavers, grasscrete, gravel, and decking materials (unless there is a concrete or impervious surface below).
3. There is no dimensional requirement or requirement for a certain type or quantity of landscaping/trees (other than the standard street tree requirements).
4. The building permit application must show all pervious areas on the lot and the calculation of a separate plan titled "Lot Coverage/Pervious Surface Plan."

17.06.670: ADU PERMITTING AND ENFORCEMENT:

- A. Application: The property owner shall apply for an accessory dwelling unit permit and other applicable permits from the City. The application shall include an affidavit signed by the property owner affirming the ADU status of the property and, if applicable, compliance with the Short-Term Rentals code.

- B. Applicable Codes: In addition to the provisions of this Code and the Short Term Rentals code, all Health and Safety Codes shall apply as required by the Building Department.
- C. Recording Requirements: Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the County Recorder which runs with the land and identifies the address of the property, states that an accessory dwelling unit is located on the property and includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section.
- D. Permit: Upon compliance with the provisions of sections 17.06.650 and 17.06.660 of this chapter through this section, an accessory dwelling unit permit will be issued.
- E. Enforcement: The City retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this section.
- F. Elimination/Expiration: Elimination of an accessory dwelling unit may be accomplished by the owner recording a certificate with the County and the City's Planning Department stating that the accessory dwelling unit no longer exists on the property.



ACCESSORY DWELLING UNIT APPLICATION

STAFF USE ONLY

Date Submitted: _____ Received by: _____ Fee paid: _____ Project # _____

REQUIRED SUBMITTALS

A **COMPLETE APPLICATION** is required at time of application submittal, as determined and accepted by the Planning Department located at <http://cdaid.org/1105/departments/planning/application-forms>.

- ☐ **Completed application form**
- ☐ **Sign Affidavit of intent to lawfully occupy Accessory Dwelling Unit**
- ☐ **Notice to Title (recorded copy required)**
- ☐ **Building Permit**

APPLICATION INFORMATION

| | | |
|---------------------------------|---------------|-------------|
| PROPERTY OWNER(S): | | |
| MAILING ADDRESS: | | |
| CITY: | STATE: | ZIP: |
| PHONE: | EMAIL: | |
| APPLICANT OR CONSULTANT: | | |
| MAILING ADDRESS: | | |
| CITY: | STATE: | ZIP: |
| PHONE: | EMAIL: | |

FILING CAPACITY

- ☐ Recorded property owner as of _____
- ☐ Purchasing (under contract) as of _____

SITE INFORMATION:

| |
|---------------------------------------|
| PROPERTY ADDRESS OF PROPERTY: |
| LEGAL DESCRIPTION OF PROPERTY: |
| |

JUSTIFICATION: Fill out and submit this form with Building Permit

1. Square footage of the accessory dwelling unit = _____
2. Total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it is permitted to be modified = _____
3. Percent of ADU square footage to primary dwelling unit = _____%

The following scaled site and/or building plans are required to be submitted illustrating how the Accessory Dwelling Unit meets the code requirements.

1. Site Plan:

- a. Location and Setbacks – The distance of the Accessory Dwelling Unit from adjacent property lines and the principal dwelling unit;
- b. Parking Spaces – The location, material (e.g., concrete, asphalt, pavers) and dimensions.
(Required parking space size = 9' x 20')
 - One space for ADU
 - Two spaces for primary dwelling unit

2. Elevation Plans:

- a. If ADU is attached to the principle dwelling unit, then it shall be consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
- b. If ADU is attached, then it must have only one entrance on each front or street side of the residence. (Please show entrance location)
- c. Proposed ADU must meet the 2nd Story Stepback requirement.

3. Lot Coverage Plan:

- a. Location of all pervious surfaces
- b. Overall square feet of Lot = _____
- c. Square feet of all pervious surfaces = _____
- d. Total percent of pervious surface on Lot = _____%
- e. Description of pervious surfaces = _____

Please see full ADU Code requirements at the link provided below.

17.06.660: ACCESSORY DWELLING UNITS; BASIC DEVELOPMENT STANDARDS

https://codelibrary.amlegal.com/codes/coeurdaleneid/latest/coeurdalene_id/0-0-0-11151

Submit this form with Building Permit

BEFORE THE PLANNING DIRECTOR OF THE CITY OF COEUR D' ALENE, IDAHO

In Re: Application for an Accessory
Dwelling Unit Permit for Property
Legally Described as:

BUILDING PERMIT NO. _____

AFFIDAVIT OF INTENT TO LAWFULLY
OCCUPY AN ACCESSORY DWELLING
UNIT

STATE OF IDAHO)
 :ss
County of Kootenai)

I, _____ and _____, being first duly sworn on oath do
depose and say: I am the trustee(s) of record of the real property described above; and

If an Accessory Dwelling Unit is granted for this real property that a majority owner will occupy either the
principal or accessory dwelling unit if either the principle dwelling unit or the accessory dwelling unit is used for
a short-term rental.

Affiant

Affiant

STATE OF IDAHO)
):ss
County of Kootenai)

On this day of _____, 20 , before me, a Notary for the State of Idaho, personally
appeared _____ and _____
known, or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument,
and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and
year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

AGREEMENT AND NOTICE TO TITLE

THIS AGREEMENT, entered into this _____ day of _____, 20____, by _____ and _____, hereinafter referred to as "Trustee(s)," and the City of Coeur d' Alene, Kootenai County, Idaho, hereinafter referred to as "City," is for the purpose of ensuring the code compliance of the following real property and for the protection of future owner(s) and/or occupants.

WITNESSETH:

WHEREAS, THE Trustee(S) are the trustee(s) of record of the following legally described real property:

Legal Description: _____

WHEREAS, the address of the subject property is:

Address: _____

WHEREAS, the trustee(s) desire to construct and maintain an Accessory Dwelling Unit on the subject property and the City desires to ensure that the Accessory Dwelling Unit is built and maintained in accordance with the requirements of the City Code; NOW, THEREFORE,

The Parties mutually agree as follows:

1. The Trustee(s) hereby agrees that a majority owner will occupy either the principal or accessory dwelling unit if either the principle dwelling unit or the accessory dwelling unit is used for a short term rental.
2. The Trustee(s) further agrees to inform any prospective purchasers of the subject property of the existence of this agreement and of the requirements for maintained in a manner contrary to the City's regulations for Accessory Dwelling Units.
3. This Agreement shall be recorded and shall constitute a covenant running with the land which shall be binding on the owners, and their heirs, successors, and assigns.

DATED this _____ day of _____, 20____.

Trustee

Trustee

STATE OF IDAHO)
):ss
County of Kootenai)

On this ____ day of _____, 20____, before me, a Notary for the State of Idaho, personally appeared _____ and _____ known, or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____