



I D A H O

CITY OF DOVER – BUILDING AND PLANNING DEPARTMENT

699 Lakeshore Ave., Dover Idaho • PO Box 115, Dover, ID 83825-0115 • (208) 265-8339 • FAX (208) 265-9035 • Web www.cityofdover.id.gov/

STAFF REPORT
DOVER PLANNING AND ZONING COMMISSION
FILE #AM22-22, SECOND PROPOSED AMENDMENT
RESIDENTIAL ACCESSORY STRUCTURE STANDARDS

PREPARED BY: Clare Marley, AICP
Contract Planner, Ruen-Yeager & Associates
219 Pine Street
Sandpoint, ID 83864

PROJECT DESCRIPTION: **FILE AM22-022 – RESIDENTIAL ACCESSORY STRUCTURE STANDARDS** - The City of Dover has initiated an amendment to its zoning regulations, Title 12 of Dover City Code, to establish a maximum size for residential accessory structures (garage, carports, tool sheds, etc.) in the Residential zone of 1,000 square feet of floor area and a two-story height limit. The proposed amendment will also clarify that residential accessory structures are limited to private, non-commercial use. The Dover Planning and Zoning Commission will make a recommendation to City Council, which will hear the amendment at a later date and make the final decision

APPLICANT: City of Dover
P.O. Box 115
Dover, ID 83825

DATE APPLICATION RECEIVED: Initiated: City of Dover, June 9, 2022

HEARING DATES: Planning & Zoning Commission: December 1, 2022
City Council: Pending

LEGAL NOTICE PROVIDED: Newspaper notice for Planning and Zoning Commission hearing:
Published 11/11/22
Notice mailed to taxing districts, school district, and airport manager: Mailed 11/8/22

STAFF REPORT ATTACHMENTS: Draft ordinance amendment dated for 12/01/22
Legal notice

PROJECT SUMMARY:

Dover Planning and Zoning Commission (P&Z) conducted a public hearing May 5, 2022, to consider amendments to the City of Dover's zoning regulations to address setbacks, definitions, and residential accessory structure standards. The Dover City Council adopted the ordinance June 9, 2022, but requested the Planning and Zoning Commission review and provide additional standards limiting the size and use of residential accessory structures. The adopted code amendment established a definition for residential accessory structures and required such structures be built or placed simultaneously or after construction of the residence in the Suburban and Residential zoning districts. The purpose of the construction timing is to ensure that housing options remain available in the city and land is not devoted to accessory structures only.

The Council advised that additional standards might be necessary to ensure garages or other residential accessory structures are not converted to commercial uses or that the structures are not larger than the residence, causing housing to be edged out by over-sized garages or shops.

The P&Z devoted several public workshops to the additional standards, reviewing the potential effects of setting size limits. They considered various size limit scenarios based on ratios of acreage to garage/shop or house size to garage/shop. The Commission also reviewed the standard one-, two-, and three-car garage sizes, and compared size limits to other communities, including the Dover Bay standards. The P&Z also discussed how stricter size limits could result in the loss of parking and cause vehicles to be parked on city streets. City residents often have recreational vehicles, boats, and equipment needing to be stored indoors. The Commission determined a set size limit in the Residential district only is the best option to recognize property rights, needs of landowners, and regulations sufficient to address the housing concerns. The Residential zoning district is generally the lands lying south of U.S. Highway 2, excluding the commercial areas. The lot size minimum is 12,000 square feet in this zone. With the larger Suburban lots (1 acre), the Commission believes sufficient opportunities remain for housing. Standards were not established for residential accessory structures in the Rural and Agriculture districts because of the need for outbuildings to house animals, feed, or implements in these larger, rural residential areas.

The proposed amendment provides:

- Definitions for attached and detached structures and wall.
- Adds 3 new subsections to the Accessory Structures Section 12-6-12 B to:
 - Set a height limit of two stories for residential accessory structures in the Residential zone.
 - Set a maximum floor area of 1,000 square feet in the Residential zone for all residential accessory structures combined. Confirms the accessory structures may be attached or detached.
 - Establish that the residential accessory structures are to be limited to private use.

Any ordinance amendment must be in accord with the city's adopted Plan goals and policies, pursuant to state and city codes. A summary of the goals, policies, and implementation sections of the adopted comp plan are provided with this report.

AUTHORITY:

- The authority for cities and counties to enact and amend land use codes is established at Title 67, Chapter 65, of the Idaho Local Land Use Planning Acts.
- The process for considering land use codes and amendments is set forth at §67-6511.

- Idaho Municipal Corporations Title 50, Chapters 3, 9, and 13 provide authority for the City of Dover to adopt ordinances, establish standards, and set procedures.
- Idaho Code §67-6518 establishes the authority to set standards for private and public development.
- Section 12-9-2 of Dover City Code authorizes the Planning and Zoning Commission and City Council to initiate amendments to zoning regulations.

AGENCY COMMENTS:

Notice of the proposed land use amendment has been provided to all political subdivisions within the City of Dover, the school district, the Sandpoint airport manager, and the media. At the time this report was issued, no agencies had provided comment on the proposed amendment.

PUBLIC COMMENTS:

To date, there have been no written public comments submitted to the record.

STANDARDS REVIEW:

Idaho Code §67-6511 (1) (c) requires the governing board analyze the proposed zoning amendment and ensure it is not in conflict with the policies of the adopted comprehensive plan.

Idaho Code §67-6518: Standards. Each governing board may adopt standards for such things as: building design; blocks, lots, and tracts of land; yards, courts, greenbelts, planting strips, parks, and other open spaces; trees; signs; parking spaces; roadways, streets, lanes, bicycleways, pedestrian walkways, rights-of-way, grades, alignments, and intersections; lighting; easements for public utilities; access to streams, lakes, and viewpoints; water systems; sewer systems; storm drainage systems; street numbers and names; house numbers; schools, hospitals, and other public and private development. Standards may be provided as part of zoning, subdivision, planned unit development, or separate ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code. Whenever the ordinances made under this chapter impose higher standards than are required by any other statute or local ordinance, the provisions of ordinances made pursuant to this chapter shall govern.

Dover City Code (DCC) 12-9-4 requires amendments to the zoning regulations be in accord with the general and specific goals and objectives of the adopted comprehensive plan.

Comprehensive Plan goals and objectives: Idaho’s Local Land Use Planning Act and local zoning codes require the decision makers to find the amendment is not in conflict with the adopted Plan. While the governing bodies must consider all elements of the Plan to ensure the proposed code is in accord with the adopted Plan, the portions of the Dover Plan that are particularly pertinent to the standards, setbacks, and definitions include the following: (“P” stands for adopted policy and “G” stands for goal. “I” stands for Implementation. Italicized text provides analysis of how the proposed amendment meets the adopted goals and policies.)

<p>1. History, Historic and Archaeological Sites: 1.P.1-4: Stresses education, “sense of place,” accommodation of historic structures, and celebration of Dover’s historic assets.</p>
<p>2. Population, Demographics and Housing: 2.P.1: Strive to maintain and expand a variety of housing types and sizes with new development. 2.P.2: Provide opportunity to develop affordable workforce housing in proportion to the need in the Greater Sandpoint Region. 2.P.3: Develop services and amenities that support visitors and provide a high quality of life for residents. 2.P.4: Ensure that providing housing for visitors through the sharing economy does not impede the health</p>

<p>and safety of residents. <i>Standards to set size limits for residential accessory structures in the Residential zone, where lots are smaller, can ensure sufficient land is available for home development.</i></p>
<p>Section 3: Community Design, Land Use, Economic Development: 3.P.2: Encourage the continued development of Dover neighborhoods. Includes a call for suitable infill and renovation of Historic Dover. 3.P.11: Ensure new development does not negatively impact the safety, health and environmental quality of Dover. 3.I.3: Develop/adopt zoning classifications and ordinances that allow well-regulated compact suburban and small lot single-family and small scale residential development. <i>This section of the comprehensive plan addresses the need to recognize and accommodate the "historic lot sizes." The residential accessory structure size limit could ensure these smaller, historic lots are still developed and used for housing.</i></p>
<p>4. Transportation – Airports <i>Generally, policies and action plans address pathways, bus stops, and public rights-of-way.</i></p>
<p>5. Utilities – Transmission Corridors <i>Generally, addresses sewer, water, and utility provisions, high-speed internet, and recycling.</i></p>
<p>6. Recreation <i>Addresses public spaces, recreational amenities, trails, signage, and waterfront usage.</i></p>
<p>7. Public Services <i>Covers fire and police services, neighborhood watch, and post office relocation.</i></p>
<p>8. Education, Schools, & School Transportation <i>Addresses need to communicate with school district, provide notice of development applications and changes, and development of safe routes to school.</i></p>
<p>9. Natural Resources, Special Areas or Sites – Agriculture 9.G.1: Maintain the natural environmental and resources in a condition which will produce the greatest long-term benefit for present and future residents of the community. 9.G.2: Manage impacts of stormwater run-off. 9.P.1: Minimize and mitigate adverse impacts of development to shorelines. 9.P.2: Minimize new development impacts to natural landscape by regulating grading, fill and other site modifications. 9.I.1: Review development procedures and ordinances to align with this sections goals and policies.</p>
<p>10. Hazardous Areas 10.P.3: Regulate new development to not impede floodplains. <i>The draft does not specifically address waterfront and floodplain development.</i></p>
<p>11. Private Property Rights 11.G.1: Ensure land use policies, restrictions, conditions, and fees do not violate private property rights, or create unnecessary technical limitation of the use of the property. 11.G.2: Consider fundamental property rights of all parties and the effects of decisions when adopting and applying planning policies and zoning standards. <i>The Planning and Zoning Commission reviewed effects of size limits on the needs of landowners and the opportunities for sufficient area for vehicle parking, work areas, and storage.</i></p>

ATTORNEY REVIEW:

The draft ordinance has been submitted to the city attorney for review.

STAFF ANALYSIS:

The Planning and Zoning Commission researched and reviewed the impacts of setting size limits on residential accessory structures. As a result of several public workshops, the Commission determined the limits should be placed in the Residential District only, where lots are smaller and housing could be limited or edged out by over-sized garages or shops. As evidenced by the previous land use amendments of 2022, the loss of potential homesites to accessory structures has been a point of discussion within the community. The proposed amendment to the zoning regulations has been

reviewed for consistency with the adopted comprehensive plan. A summary of the goals and policies of the plan are included in this report.

DRAFT MOTIONS FOR GOVERNING BODY:

MOTION TO RECOMMEND APPROVAL: I move to recommend to City Council approval of this File #AM22-22, (subsequent amendment) amending Title 12 of Dover City Code, regarding definitions and development standards for residential accessory structures, finding that it **IS** in accord with the adopted policies of the City of Dover comprehensive plan and Dover City Code, as enumerated in the findings and standards, as presented (or as amended).

MOTION TO CONTINUE: I move to continue this File #AM22-22 to [date, time and place] to allow for additional time for [public comment, additional information, etc.].

MOTION TO RECOMMEND DENIAL: I move to recommend denial of this File #AM22-22, (subsequent amendment) amending Title 12 of Dover City Code, regarding definitions and development standards for residential structures, finding that it **IS NOT** in accord with the adopted policies of the City of Dover comprehensive plan and Dover City Code, because [STATE WHAT STANDARDS THE AMENDMENT FAILS TO MEET AND WHY].