

CITY ORDINANCE NO. 4972

AN ORDINANCE OF THE CITY OF LEWISTON REPEALLING LEWISTON CITY CODE §§ 37-41.11 AND 37-41A.11; AMENDING LEWISTON CITY CODE § 37-131.2 RELATING TO ACCESSORY APARTMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: Lewiston City Code § 37-41.11, titled “Accessory apartments” is hereby repealed in its entirety and reserved for future use.

SECTION 2: Lewiston City Code § 37-41A.11, titled “Accessory apartments” is hereby repealed in its entirety and reserved for future use.

SECTION 3: Lewiston City Code § 37-131.2 is hereby amended as follows:

Sec. 37-131.2. - Accessory apartments.

Only one (1) accessory apartment, within, detached from, or attached to a single-family dwelling, may be constructed on any residential lot that is at least five thousand (5,000) square feet zoned for single-family residential use and has only one (1) lawful single-family dwelling located on such lot, subject to the following requirements, except as otherwise provided for in the Normal Hill North and Normal Hill South Zoning Districts:

- (1) An accessory apartment shall not exceed ~~six hundred (600)~~ one thousand (1,000) square feet or ~~thirty (30)~~ seventy-five (75) percent of the habitable floor area of the associated single-family dwelling, whichever is greater; ~~provided, however, that an accessory apartment shall never exceed nine hundred (900) square feet;~~
- (2) An accessory apartment shall ~~not contain more than two (2) bedrooms~~ adhere to the maximum lot coverage allowance of the applicable zoning district;
- (3) ~~At least one (1) off-street parking space shall be provided for an accessory apartment;~~ An accessory apartment shall provide a minimum of one (1) off-street parking space per bedroom, up to a maximum of two (2) off-street parking spaces unless one (1) or more of the following conditions exist:
 - a. The principal dwelling unit does not have off-street parking; or
 - b. The street serving the property is not paved or is not designed or constructed for on-street parking, as determined by the public works director or designee; or

- c. The principal dwelling unit is located within one-fourth (1/4) mile of a public transit fixed route, as shown on the city's transit route map, an employment area, or commercial services, as determined by the community development director or designee.

If any of the conditions in subsections (3)(a) through (3)(c) are met, no off-street parking shall be required for the accessory apartment.

- (4) An accessory apartment shall meet the minimum required ~~front, interior side, and street side setbacks~~ of the applicable zoning district, ~~for the associated single-family dwelling unless it is a conversion or replacement of an existing, detached accessory building, in which case the minimum setbacks shall be the same as those of the existing, detached accessory building;~~
- (5) ~~A detached accessory apartment shall not be located in front of or project beyond the front wall of the associated single-family dwelling~~ An accessory apartment shall not exceed the building height of the associated single-family dwelling;
- ~~(6) An accessory apartment shall maintain a minimum of ten (10) feet from the rear property line, or three (3) feet if abutting a rear alley;~~
- ~~(7) An accessory apartment shall not exceed eighteen (18) feet in height if such accessory apartment is a single story or twenty-eight (28) feet in height if such accessory apartment is a two-story; and~~
- (86) An accessory apartment shall be owned by the same person who owns the single-family dwelling to which such accessory apartment is attached to or detached from.

SECTION 4: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____, 2026.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Tanya M. Brocke, City Clerk