

**CITY OF POST FALLS
STAFF REPORT**

DATE: APRIL 23, 2024

TO: POST FALLS PLANNING & ZONING COMMISSION

FROM: ETHAN PORTER, ASSOCIATE PLANNER, 208-457-3353, eporter@postfalls.gov

SUBJECT: STAFF REPORT FOR THE MAY 14, 2024, P&Z MEETING
TITLE 18 TINY HOME ORDINANCE TEXT AMENDMENT

FILE NUMBER/NAME: TA-23-2 / TITLE 18 TINY HOME ORDINANCE

APPLICANT: City of Post Falls Planning Division

REQUESTED ACTION: The Planning Division is seeking to amend Title 18 to accomplish the following:

- Establish performance standards for Tiny Home residential developments
- Update definitions

PROPOSED CHANGES: Exhibit S-1 (Draft Ordinance) details the code sections that are being requested to be modified. The following is an overview of the proposed changes:

CHANGE #1: Adopt 18.24.034 TINY HOME RESIDENTIAL PERFORMANCE STANDARDS

Purpose 1: To provide a form of smaller single family residential units, diversifying a housing choice and provide housing that is attainable and attractive to expand opportunities for home ownership.

Purpose 2: To offer another option for middle missing housing communities while promoting open space, safety, and the interaction of the residence.

Purpose 3: Set standards for Tiny Home developments while creating a clearer path in permitting.

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

Post Falls Post Office	PF Park & Rec	East Greenacres Irr. District
Kootenai County Fire	Kootenai Electric	Time Warner Cable
PF Highway District	Ross Point Water	PF Police Department
PF School District	Verizon	Utilities (W/WW)
Avista Corp. (WWP-3)	Idaho Department of Lands	Urban Renewal Agency
Department of Environmental Quality (DEQ)	Panhandle Health District	Kootenai County Planning
Conoco, Inc. (Pipeline Co.)	NW Pipeline Corp.	KMPO

Yellowstone Pipeline Co.	TransCanada GTN	TDS
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OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

- Awaiting Agency Responses

MOTION OPTIONS: The Planning Commission must provide a recommendation pertaining to the requested amendment to City Council, of which at a later date, an additional Public Hearing will be heard by City Council. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a later date certain. If the Commission has heard sufficient testimony but needs additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a later date certain.

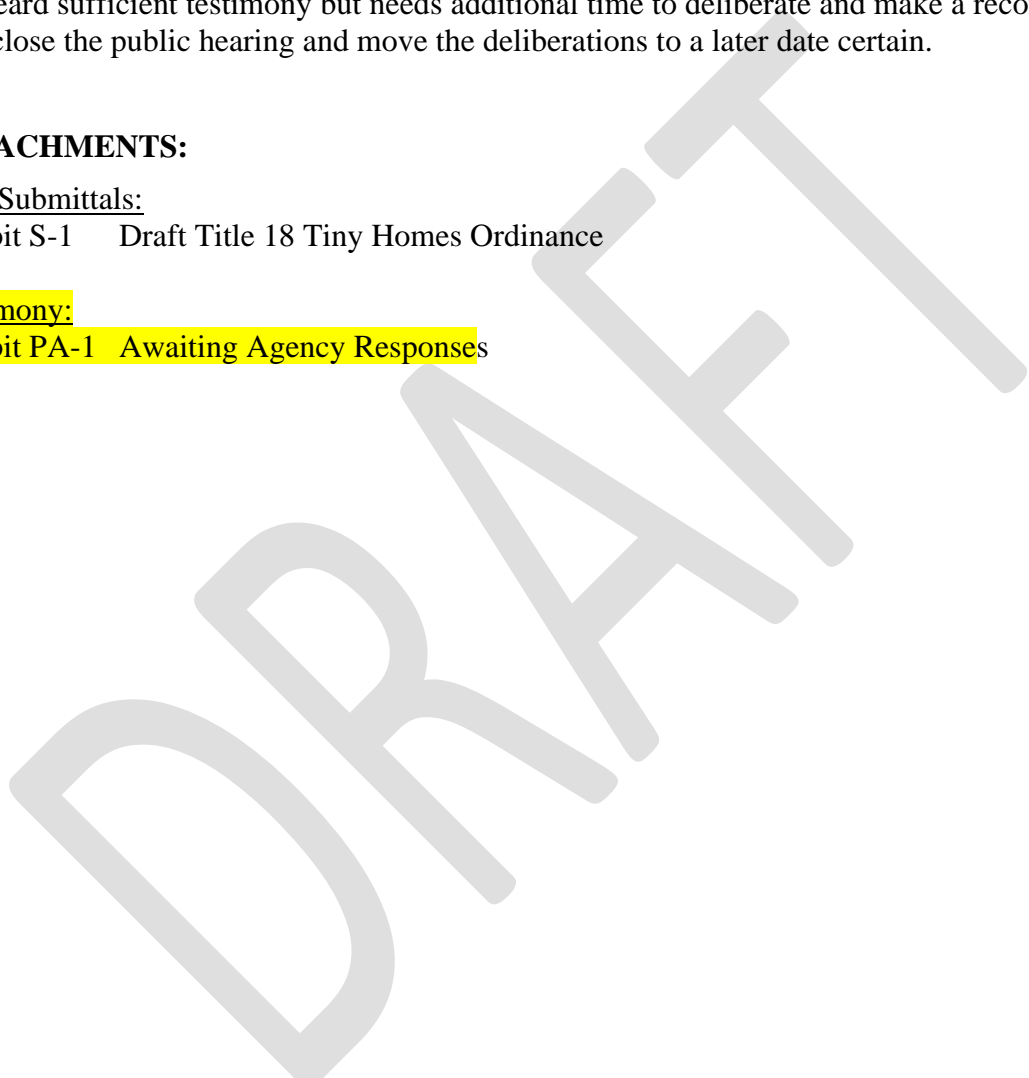
ATTACHMENTS:

Staff Submittals:

Exhibit S-1 Draft Title 18 Tiny Homes Ordinance

Testimony:

Exhibit PA-1 Awaiting Agency Responses



ORDINANCE NO. [Category]

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO MUNICIPAL CODE SECTION 18.12.010 DEFINITIONS; PROVIDING FOR A NEW CODE SECTION 18.24.034 TITLED TINY HOME RESIDENTIAL PERFORMANCE STANDARDS; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW

WHEREAS, *after public hearing on the hereinafter provided, and after recommendation by the Planning and Zoning Commission*, it is deemed by the Mayor and City Council to be in the best interests of the citizens of the City of Post Falls that the following be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Post Falls as follows:

SECTION 1. That Post Falls Municipal Code Section 18.12.010 is amended to add the following definitions in appropriate alphabetical order:

Green Roof: A green roof is a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Tiny Home: Any detached residential structure (pre-manufactured or stick built) with a total living area, excluding any attached garage, of less than eight hundred (800) square feet.

SECTION 2. That a new Section 18.24.034, entitled TINY HOME RESIDENTIAL PERFORMANCE STANDARDS is added to the Post Falls Municipal Code as follows:

18.24.034: TINY HOME RESIDENTIAL PERFORMANCE STANDARDS:

A. Purpose: The purpose of this section is to: to provide housing types that are responsive to changing household demographics (e.g., retirees, small families, and young professionals); to expand opportunities for home ownership; to encourage creation of functional usable *Green Space*

in residential communities; to promote neighborhood interaction and safety through design; to encourage opportunities for infill development; and ensure that residents of such housing enjoy a high-quality environment, with permanence, stability, and access to *Green Space*.

B. Applicability: *Tiny Home* residential development is permitted in the R-2, R-3, LC and RM zoning districts. *Tiny Home* residential development is also allowed in those areas in the CCM zoning district where the approved development agreement for the property authorizes multi-family residential uses. *Tiny Homes* may also be approved with a Special Use Permit in the CCS and R-1 zoning districts.

C. General Development Standards:

1. Attached Garages:

- a. Garages on *Front Loaded Tiny Homes* and *Side Loaded Tiny Homes* cannot exceed three hundred and sixty (336) square feet in size.
- b. Garages on *Rear Loaded Tiny Homes* cannot exceed five hundred (500) square feet in size.

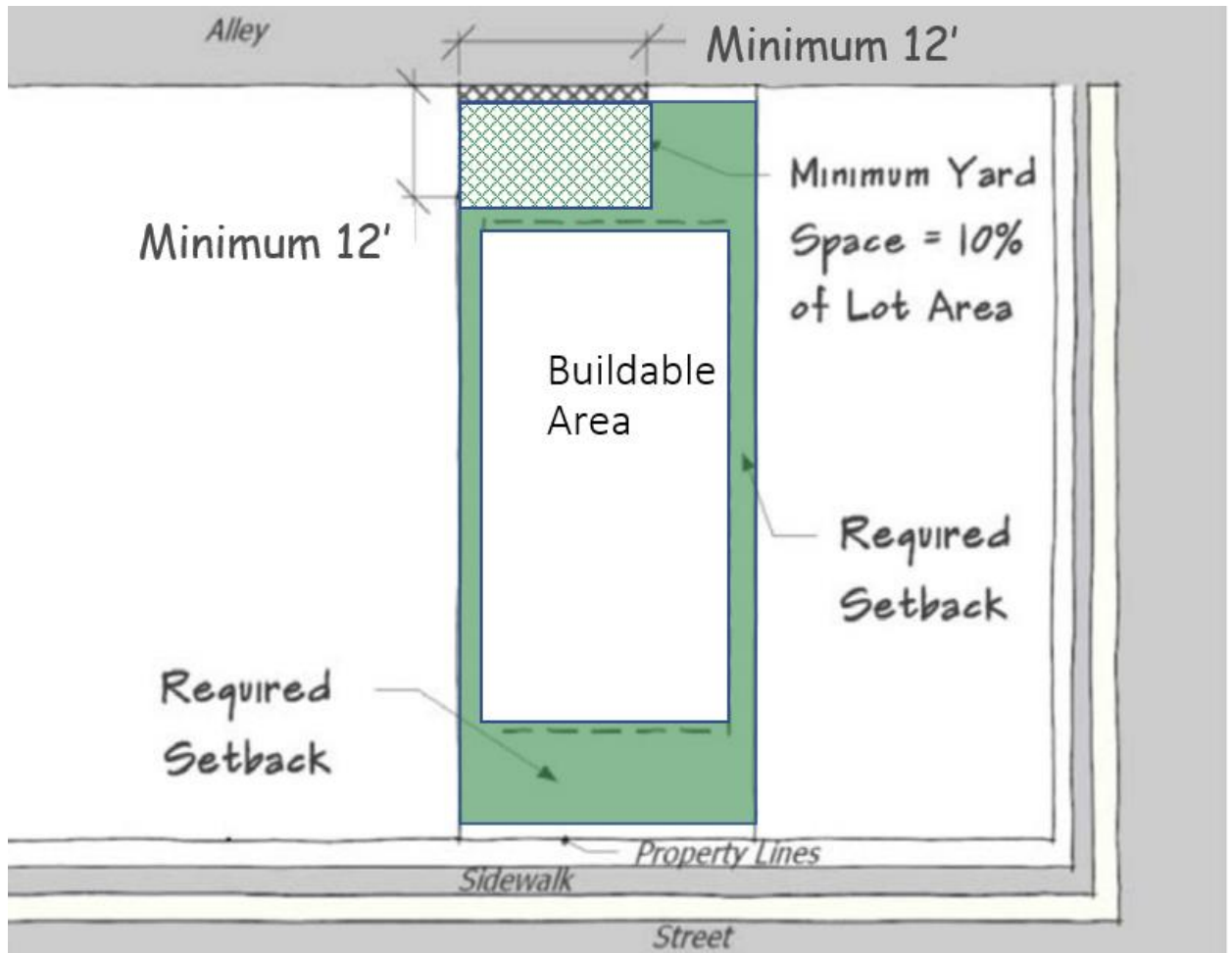
2. Architectural Design:

- a. Each *Tiny Home* must have a front porch with a minimum depth of six (6) feet. The porch must also meet the following requirements:
 - i. *Front Loaded Tiny Homes* must have a porch no less than fifty square feet (50) square feet in size.
 - ii. *Side Loaded* and *Rear Loaded Tiny Homes* must have a porch no less than eighty (80) square feet in size.
- b. Attached garages for *Front Loaded Tiny Homes* cannot exceed sixty-six (66%) of the width of the structure.
- c. *Accessory Structures* must match the architectural style of the *Tiny Home* and meet separation requirements contained in the adopted building code.
- d. Each *Tiny Home* must have a minimum of two (2) of the following building elements, features, or treatments incorporated into the front façade and street facing façade.
 - i. Windows with visible trim and mullions or recessed windows;
 - ii. Dormers/false dormers;

- iii. Bay windows;
 - iv. Gables detailing;
 - v. Architectural detailing on pillars, posts, or railings;
 - vi. Stonework or masonry;
 - vii. Minimum sixteen inch (16") offset in building face or roof;
 - viii. Detailed door (multi-panel or glass insert) or window adjacent to front door (sidelite);
 - ix. Variation in roof or building colors and materials, on *Tiny Homes*, including but not limited to, brick, stone, or other masonry accents;
 - x. Any other building elements, treatments, features approved by the *Zoning Administrator* that provide for variety and visual interest.
- e. *Tiny Homes* containing vinyl siding cannot be within 10 feet of another structure with vinyl siding.

3. Green Space:

- a. Green Space: *Tiny Home* developments must provide five-hundred and fifty square feet (550) square feet of common *Green Space* for each *Tiny Home*. For *Tiny Homes* placed on individual *Lots*, the amount of common *Green Space* may be reduced to three-hundred and twenty-five (325) square feet. Each common *Green Space* must provide at least one pet waste clean-up station.
- b. When *Tiny Homes* are placed on individual *Lots*, each lot must provide a contiguous and usable *Yard*. This area cannot include structures, driveways, parking, or be included within common *Green Space*. Additionally, the *Yard* must:
 - i. Be located in the rear or side yard and not be within the required front yard setback;
 - ii. Be equal to at least 10% of the parcel area; and
 - iii. Have no dimension less than 12 feet or less than 10 feet for parcels smaller than 2,400 sq ft.



- c. Within common *Green Spaces* one (1) class II or III *Tree*, as outlined in the “Post Falls Tree Standards Manual,” for each seven thousand five hundred (7,500) square feet of *Green Space* is required. The species must be approved by the *Urban Forester*.
- d. Structures providing indoor recreational space (excluding office/managerial areas), with a minimum area of at least 350 square feet, with no dimension being less than 17 feet and having a floor to ceiling height of at least ten (10) feet, may be included as part of the common *Green Space* if they provide the residents any of the following activities:
 - i. Game equipment
 - ii. Work-out equipment
 - iii. Sport court facilities
 - iv. Swimming Pools

- v. Greenhouses
 - vi. Wood shop
 - vii. Or other designated project or game equipment approved by the Zoning Administrator
4. Fences: Fences are not allowed within common *Green Space* areas, unless approved by the *Zoning Administrator* to secure or enclose an amenity within the *Green Space* that creates a safety, security, or usability concern. Examples of where exemptions may be considered include; dog parks, tennis/pickleball courts, community gardens, *Swimming Pools*, etc.
5. Parking:
- a. Each *Tiny Home Dwelling Unit* must provide at least two (2) parking spaces for each *Tiny Home Unit* that meets the requirements of Section 18.24.020. For *Tiny Home* development projects up to 50% of the required parking spaces may consist of on-street parking. On-street parking spaces on a public street are community spaces and may not be assigned to a designated *Tiny Home*.
 - b. An additional .25 parking spaces must be provided in a *Parking Cluster* for each *Tiny Home* within a development of eight (8) or more units.
- D. *Tiny Home Single-Family Performance Standards*: Single-Family *Tiny Home* development must also meet the following standards:
- 1. Minimum *Lot* area: two thousand (2,000) square feet. Corner lots shall not be narrower than twenty-five (25') feet.
 - 2. Site Design and Orientation:
 - a. Up to 50% of the vehicular access to *Tiny Homes* in a development can be *Front Loaded*. *Tiny Homes* with a detached garage placed behind the home are not considered *Front Loaded* for the purposes of this section.
 - b. *Tiny Homes* are encouraged to front *Green Space*.
 - c. Each *Tiny Home* must have a pedestrian path constructed of concrete or asphalt between the sidewalk and the building entry. When no sidewalk is present, then a connection must be made to the edge of private street or public right-of-way.

- d. *Tiny Home* developments with eight (8) or more *Tiny Homes* must have fifty percent (50%) of the common *Green Space* centrally located. Common *Green Space* must front a public or private street and have twenty percent (20%) of the perimeter of the *Green Space* fronting the public or private street.
 - i. Common *Green Space* must be in a separate tract or tracts and be owned and maintained by a homeowner's association (HOA). The homeowner's association's covenants must include the perpetual maintenance of all common areas, including common *Green Space* and preclude the conversion of such common areas to any other *Use*. Alternatively, the *Zoning Administrator* may approve an alternative guarantee of maintenance and limitation to *Green Space* use upon a determination that the alternative provides an equivalent guarantee that the *Green Space* will be adequately maintained.

3. Setbacks and Height Limitations:

- a. Front: Sixteen feet (16') to the *Principal Plane* and garages must comply with the Official Bulk and Placement Regulations Table in section 18.20.040 of this ordinance.
 - i. If no easement exists along the front property line, then the front setback may be reduced up to five feet (5').
 - ii. For *Front Loaded Tiny Homes*, garages must not project beyond the front porch. Additionally, the front entryway must be visible and generally parallel to the public or private street.
- b. Side: Each side yard must have a setback of at least three (3') feet and both side yards must total at least ten (10') feet.
- c. Rear:
 - i. *Front Loaded Tiny Homes*: Twelve (12') feet.
 - ii. *Rear Loaded Tiny Homes*: Twenty (20') feet.
- d. Flanking Street: Ten (10') feet; and
- e. Height: Twenty-Five (25') feet.

4. Accessory Structures: *Accessory Structures* cannot exceed the height of the primary structure and not exceed one story. Additionally. The sum of all permitted *Accessory*

Structures cannot exceed seven-hundred and twenty (720) square feet with no single accessory structure greater than five hundred (500) square feet.

5. Green Infrastructure Design Standards:

- a. Where a minimum of twenty-five percent (25%) of the *Lots* contain green infrastructure amenities contained in this section, common *Green Space* requirements may be reduced by fifty (50) square feet for each *Dwelling Unit*.
 - i. Solar collection system used to capture solar energy, convert it to electrical or thermal power and supply electrical or thermal power primarily for on-site use via roof mounted solar arrays or modules, or solar related equipment which is intended to primarily reduce on-site consumption of utility power or fuels.
 - ii. Water harvesting barrels or downspouts.
 - iii. *Green roofs*.
 - iv. EV Charging Stations.
- b. When at least 75% of the common *Green Space* utilizes *Xeriscaping* meeting the requirements of Section 18.24.080(E) the common *Green Space* requirements may be reduced by fifty (50) square feet for each *Dwelling Unit*.

6. Fences: Fences on individual *Lots* must comply with 18.24.020 (K).

E. Tiny Home Multi-Family Performance Standards: Multi-family development of three (3) or more *Tiny Homes* on a single *Lot* must utilize the site plan review process in Section 18.20.130 of this Title, and must also conform to the following standards:

1. Separation: All *Tiny Homes* must meet the separation requirements in the adopted building code without the use of additional fire rated materials.
2. Site Size, Design and Orientation:
 - a. Must be on a site no larger than 5.0 acres.
 - b. Vehicular access to the *Tiny Home* must be from the rear or side, unless approved through a Special Use Permit.
 - c. *Tiny Homes* are encouraged to front *Green Space*.

- d. Each *Tiny Home* must have a pedestrian path constructed of concrete or asphalt between the sidewalk and the building entry. If no sidewalk is present, then a connection must be made to the edge of private street or public right-of-way.
3. Setbacks and Height Limitations: The following setbacks from exterior property lines of the multi-family development are as follows:
 - a. Front: Twenty feet (20');
 - b. Side: Ten feet (10');
 - c. Rear: Ten feet (10');
 - d. Flanking Street: Twenty feet (20'); and
 - e. Height: Twenty-five feet (25').
 4. Green Space: The required *Green Space* must comply with the requirements of Section 18.24.030 D.7. of this Title but do not qualify for density bonuses.
 5. Green Infrastructure Design Standards: Where green infrastructure amenities are provided and selected from the following list, common *Green Space* requirements may be reduced by fifty (50) square feet per *Tiny Homes*.
 - a. Electrical vehicle (EV) charging stations at a minimum of one (1) station per twenty-five (25) *Tiny Homes*.
 - b. Solar collection system used to capture solar energy, convert it to electrical or thermal power and supply electrical or thermal power primarily for on-site use via roof mounted solar arrays or modules, or solar related equipment which is intended to primarily reduce on-site consumption of utility power or fuels.
 - c. Apply *Xeriscaping* on at least 50% of the open space meeting the requirements of Section 18.24.080(E) located in community or Green Space areas.
 6. Access, Driveways, Parking, and Garages: The *Zoning Administrator* may consider consolidated parking structures under the site plan review process.
 7. Refuse: All outside storage areas and solid waste storage areas must meet the requirements of Post Falls Municipal Code Section 18.24.040(C). Adequate access must be provided for collection of solid waste. The *Zoning Administrator* may approve alternative methods

of screening if the proposed screening is at least as effective at screening the storage areas from view as the requirements of this section.

SECTION 4. All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 6. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on _____, 2024.

APPROVED, ADOPTED and SIGNED this day of , 2024.

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

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SUMMARY OF POST FALLS ORDINANCE NO. [Category]

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO MUNICIPAL CODE SECTION 18.12.010 DEFINITIONS; PROVIDING FOR A NEW CODE SECTION 18.24.034 TITLED TINY HOME RESIDENTIAL PERFORMANCE STANDARDS; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. [Category], which [DESCRIPTION]; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of Ordinance No. [Category] is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the City Clerk. Dated this ____ day of April, 2024.

_____/s/
Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Field K. Herrington, the legal advisor for the City of Post Falls, I have examined the attached summary of Ordinance No. [Category], which [DESCRIPTION], and find it to be a true and complete summary of said ordinance and provides adequate notice of the contents to the public.

Dated this day of , 2024.

Field K. Herrington, City Attorney

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