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## A. Record Documents ([link to all documents](#))

Individual links:

1. Application Materials
  - a) [CPAFY2022-0001 application and materials](#)
  - b) CPAFY2022-0001 [resubmittal form](#) and the [revised proposal](#)
2. Noticing Documents
  - a) City Noticing
  - b) Property Posting for Design Review Committee
  - c) Property Posting for Planning and Zoning
  - d) Property Posting for City Council
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. References and Resources
  - a) [Idaho Statesman Article Boise Pilot Program](#)
  - b) [Kent Brown Email 11282021](#)
  - c) [Tiny Homes on Wheels March 30, 2018, ITD](#)
  - d) [Blain County Applicant Examples](#)
  - e) [Blaine County Draft Ordinance](#)
  - f) [Blaine County Staff Report](#)
  - g) [Blaine County Building Official Report](#)

## B. Requested Action

Discussion Only.

The public hearings that were previously scheduled were canceled. This application will need to be rescheduled.

A future public hearing will be scheduled. At this time decision for proposed amendments to Garden City, Title 8, Development Code related to “Tiny Home” regulations will be requested.

## C. Recommendation Summary

This summary will be updated to reflect the recommending bodies’ recommendations once the recommendations are made during the public hearing process.

## D. Work Session Summary:

During the first set of work sessions, it was noted by the decision-making bodies that there was considerable work to be done on the proposal. It was agreed that the second set of work sessions would be necessary after the applicant addressed the discussions. During the second set of work sessions, it was decided to have a third set of work sessions.

### **Second Work Sessions**

April 4, 2022, Design Review Committee work session comments are summarized below:

- The applicant noted a desire to have a community within a smaller space than the Garden City RV standards allow.
- A permitting process should be established.
- Proposed Registration:
  - Penalties needed
  - The registration should be broken into two categories:
    - Tiny Homes on Wheels that are being utilized:
      - State registration/ license
      - Insurance
      - RVIA construction standards verification
    - Tiny Home Communities
      - Establish management oversight accountabilities for the community owner
      - Enable city regulatory oversight
- Timing:
  - The applicant suggested that allowing tiny homes on wheels to remain in one location for 1-2 years is desirable but is looking for direction from city.
  - The discussion noted that instead of a definite period, an option could be that the Tiny Homes on Wheels must be maintained “road worthy” and movable.
- The desire for flexibility is understood, but a minimum setback as approved by the fire department should be established.
- #4 should be reworded to state 1 bike per home is required
- There should be a threshold where an onsite manager is required, such as communities that are greater than 20 units which is consistent with the multi-family provisions.
- If there are consistent uses, not all sides necessarily need to be screened.
- Screening from the road is not desirable.
- ADU
  - Should not require a separate parking space.
  - Tiny homes should meet setbacks.
- Requested additional provisions that prevent bad designs and encourage good designs.

April 20, 2022, Planning and Zoning Commission work session discussions included:

- The applicant indicated that there is no reviewing authority for ANSI, NFPA, and RVIA. Builders can be certified. Someone can hire a certified builder to provide an inspection.
- A question on how to regulate the proposed ratio of RV vs Tiny Homes.
- Other agencies: Boise pilot project is not ready and does not have drafted codes. There were questions if Blaine County really adopted the Tiny Home standards.
- Storage was encouraged. If there is no storage, on-site management would be necessary for enforcement.
- Twenty units or more of multi-family requires on-site management.
- Affordability statistics.
- Provisions needed to protect the longevity of the proposed use.
- Homes must be street legal and operable.
- Design should fall to the Design Review Committee.

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April 25, 2022, City Council work session comments are summarized below:

- Compliance with Idaho Code, specifically time limitations. The applicant proposes that maintaining the unit movable, then it meets state's requirements for movable.
- Proposal may be under parked. What mechanism is there for the landlord to regulate the parking so that it does not affect the surrounding neighborhood?
- How is maintenance and delapidation enforced?

### **First Work Sessions**

The Design Review Committee discussions on November 15, 2021, included:

- Considerable discussion related to safety and legal authority.
  - The proposal may not be legal per Idaho Code.
  - The applicant noted that the intent of this ordinance is to specifically address tiny homes on wheels, rather than tiny homes built to IRC standards or HUD standards. This designation should be clarified in the proposal.
  - RVIA standards would be required to address safety.
  - Idaho Code notes that "Recreational Vehicles," including converted vans and school buses, are "designed for recreational or emergency occupancy." To address this constraint, the applicant has indicated that a semi-permanent living definition and timeframe be adopted and then require the units to be moved as a way to address the Idaho Code definition specification that RVs are for "recreational or emergency occupancy."
  - It was noted that there are no identified communities in Idaho that allow tiny home-on-wheels communities for semi-permanent or permanent living.
  - The Design Review Committee has requested examples of code related to tiny home-on-wheels communities that allow for permanent living.
  - Should a timeframe be established requiring that the vehicles be removed be established, it was suggested that an administrative process, such as a licensing process, be established through GCC 8-3.
- The applicant indicated that they did not wish to amend the Garden City Code standards related to mobile/ manufactured home parks or RV parks. They specifically noted that the size requirement for RV parks is too large. They also noted a desire for stricter standards than RV parks.
- The applicant noted that the code is a test case and that is why it is limited to C-2 and R-3 zones.
- As the use of tiny homes and tiny home parks is requested to be permitted use, the definitions and standards should be clear enough to facilitate clear requirements that result in non arbitrary administration and suitable communities.
- Separate standards for tiny homes from tiny home communities. Suggested location GCC 8-4B-5.
- Regulatory requirements should be relocated from definitions to standards.
- Definition suggestion: Clearly identify what differentiates an RV from a Tiny home on wheels; discussions noted that a tiny home must be towed not driven or on a chassis; maximum first floor size of 400 sq. ft.; and traditional stick-built materials.

- It is suggested that the applicant incorporate staff suggestions found in the work session report as well as the items discussed in the work sessions and have another round of work sessions prior to proceeding with the hearings. The applicant agreed.

The Planning and Zoning Commission discussions on November 17, 2021, included:

- Example ordinances requested.
- Housing affordability is an item that needs to be addressed at a city level.
- Why doesn't this proposal address the existing Garden City code sections that could use a code rewrite?
- Safety concerns that are needed prior to the next workshop include:
  - What are the structural, fire, electrical, plumbing, and construction standards?
  - What is the method of inspection?
  - Who will inspect the homes?

The City Council discussions on November 22, 2021, included:

- A presentation from the applicant indicating that the proposal is for affordable living solutions that include open space and amenities.
- There was a question if the proposal creates a barrier of entry by limiting RVs to 15%.
- Requested a model ordinance.

## E. Pre-application Discussion Summary

On September 2, 2021, Staff met with the applicant to review their intended proposal. Suggestions related to the proposed code proposal:

- If the intent is to generate affordable housing solutions, the idea should be for affordable housing options that do not create unsafe or unlivable options. Safety standards need to be identified to address issues such as mold, fire egress, etc. the proposal should identify and require safety review standards e.g., the adopted version of the International Residential Code for One and Two Dwellings, Manufactured Home, and Safety Standards (HUD Code), or Recreational Vehicle Industry Associations (RVIA) Standards and Regulations.
- The applicant clarified that their intent is for this use only in C-2 as a CUP.
- The applicant should verify with North Ada County Fire and Rescue District that proposed setbacks and road widths are compatible with fire safety standards.
- The proposal is lacking amenities.
  - Code requirements for multi-family structures require amenities
  - Potential amenities presented by staff could be the inclusion of laundry facilities, indoor areas that people could use with guests, and open space.
- Staff suggested that the proposal could defer to standards already in Title 8 such as, but not limited to, landscaping, parking, and lighting.
- Design standards should be created with special emphasis on how the use interacts with the street and other public realms.
- The proposed bicycle parking ratio is low, especially in relation to current standards found in Title 8 and applicant's stated desire to not have much parking required.
- Instead of prescribing specifics for items such as refuse or electricity, note that each space shall be provided with those items (so that they conform to Garden City policies and do not become outdated quickly).

On September 3, 2021, Staff followed up with concerns that if the proposal is to identify recreational vehicles as “tiny homes” that Idaho Code §49-119 (6) may preclude the proposal:

(6) "Recreational vehicle" means a motor home, travel trailer, fifth-wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, **designed for recreational or emergency occupancy**. It does not include pick-up hoods, shells, or canopies designed, created, or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

**F. Objective**

The purpose of this text code amendment is to allow for the new use of “Tiny Home Community,” define the new terms of “Tiny Home” and “Tiny Home Community” and allow the use of tiny homes as an Accessory Dwelling Unit.

**G. Current Deficiencies**

The applicant has identified the following deficiencies in Garden City Code, Title 8: “workforce housing, affordable, workforce housing”

**H. Proposed Changes and Discussion**

Proposed Changes	Discussion
<p>The proposed changes are in strikethrough. The previously reviewed provisions are below in black. Revisions provided by the applicant for the second work session are in blue.</p>	
<p>Title 3: Business and License Regulations</p>	
<p><u>Chapter 15: Tiny Homes and Tiny Home Communities</u> <u>3-15-1 Registration</u></p>	<p><del>Any Every tiny home being sited or occupied or Recreational Vehicle being occupied in a Tiny Home Community or as an Accessory Dwelling Unit for more than 14 days is required to shall be registered with the city clerk of Garden City, and be approved by the planning official before being occupied. The registration form filed with the city clerk Garden City shall include the following information:</del></p> <p>B. The full name of the owner of the Tiny Home or Recreational Vehicle;</p> <p>C. The License Plate number for the Tiny Home or Recreational Vehicle;</p> <p>D. The address of the Tiny Home Community or the location the Tiny Home will be parked as an ADU</p> <p><del>E. The full names and relationships of all those who will reside in the Tiny Home Community</del></p> <p>While this language is addressing a registration process as discussed, there may be some overlap in other provisions. Utilizing the applicant’s language as a basis, the staff has provided provisions to consider. The below has not been reviewed by other departments.</p> <p>3-15 TINY HOME ON WHEELS 3-15-1 DEFINITIONS 1. The definition of Tiny Homes on Wheels is found in GCC 8-7A-2 3-15-2 ANNUAL CERTIFICATION 1. License and registration with the Idaho Department of Motor Vehicles verification; and 2. Vehicle Insurance Provider; and</p>

	<p>F. <u>The full names and relationships of all those who will reside in the Tiny Home or Recreational Vehicle;</u></p> <p>G. <u>The type of Tiny Home (Professionally Built or Homebuilt)</u></p> <p>H. <u>Standards the Tiny Home was built to meet (NFPA 1192 , ANSI 119.5, IRC appendix Q, NFPA 70, NEC 551/552)</u></p> <p>I. <u>and any The certifications that may apply; i.e., Professionally built-RVIA certified, Homebuilt-IBC standards, etc of the Tiny Home (RVIA, HUD, NOAA, or other National 3rd party certification).</u></p> <p>J. <u>A minimum of 2 4 Photographs that together show all four sides of the Tiny Home for review by the planning official.</u></p> <p><u>3-15-2 DESIGN REQUIREMENTS FOR APPROVAL:</u>  <u>All Tiny Homes being occupied either in a Tiny Home Community or as an Accessory Dwelling Unit must contain the following minimum design standards:</u></p> <ul style="list-style-type: none"> <li>a. <u>windows</u></li> <li>b. <u>a variety of materials or colors</u></li> <li>c. <u>modulation and articulation of the facade or roofline or elements that create a visual interest</u></li> <li>d. <u>clearly defined and identifiable front entry</u></li> </ul> <p><u>3-15-3 SITE REQUIREMENTS FOR APPROVAL</u>  <u>All Tiny Home pads used in Tiny Home Communities or as Accessory Dwelling Units shall be provided with code-compliant water, sewer, electrical and trash service. Shared trash service is allowed provided that the site maintains compliance with the required property maintenance standards as set forth by this title.</u></p> <p><u>3-15-3 PLANNING OFFICIAL APPROVAL</u>  <u>All Tiny Homes and pads must first receive approval from the Planning Official before being occupied in either a Tiny Home Community or as an Accessory Dwelling Unit. Upon submittal of the registration form, approval of all Tiny Homes will follow the process in Garden City Code 8-6A-6</u>  <u>ADMINISTRATIVE PROCESS WITHOUT NOTICE:</u></p> <p><u>3-15-4 RESTRICTIONS</u>  <u>Short term rentals shall not be allowed. Tiny Homes shall not be rented or leased on less than a monthly basis.</u></p> <p><u>3-15-5 PENALTIES</u>  <u>Failure to register and receive approval before occupying and siting a Tiny Home in a Tiny Home</u></p>	<ul style="list-style-type: none"> <li>3. Verification that the wheels are attached and in good working order; and</li> <li>4. Photographs of each side of the tiny home; and</li> <li>5. A third-party certification from an accredited Tiny Home inspection company (RVIA, NOAA, or other national certification agency) that Tiny Home meets the required standards; <ul style="list-style-type: none"> <li>a. Meets the currently adopted International Resident Code standards for Tiny Homes;</li> <li>b. Meets the American National Standards Institute (ANSI) 119.5 standards or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI, or NFPA;</li> <li>c. is no smaller than 120 and no larger than 400 square feet of habitable space as measured within the exterior faces of the exterior walls;</li> <li>d. Is constructed primarily with more traditional home building construction methods and materials including: <ul style="list-style-type: none"> <li>i. Constructed of 2x4 or 2x6 wood;</li> <li>ii. Siding is not corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, plastic, or vehicular in nature;</li> <li>iii. The home contains at least 10% of the wall plane dedicated to windows;</li> <li>iv. is no larger 8.5' in width or as allowed by Idaho State Law for movement on public roadways;</li> <li>v. The elevations contain three or more changes in materials or colors, with a minimum of two material changes;</li> <li>vi. Modulation and articulation of the facade and roofline; and</li> <li>vii. there is a clearly defined and identifiable entry; and</li> </ul> </li> </ul> </li> <li>6. Verification that there has been no alteration since the initial third-party certification.</li> </ul> <p><u>3-15-3 PENALTIES</u>  Any person providing false information or convicted of a</p>
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community or as an accessory dwelling unit shall result in an infraction for the property owner. Multiple infractions against a Tiny Home community is grounds for a review of the conditional use permit, and can result in the loss of the right to to that conditional use permit.

misdemeanor under this chapter may be precluded from certifying any tiny home on wheels in Garden City.

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction. Infractions under this chapter are punishable by a fine of one hundred dollars (\$X) plus court costs unless otherwise specifically provided. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Two or more infractions shall be a misdemeanor. Misdemeanors under this chapter are punishable as provided in section 1-4-1 of this code unless otherwise specifically provided. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Move other standards to 8-2C-49

**Table 8-2B-11:**

	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
...								
Temporary Use*	P	P	P	P	P	P		
<u>Tiny Home Community*</u>			<u>P</u> <u>C</u>			<u>P</u> <u>C</u>		
Tobacco entertainment facility*					P	P	P	P
...								

Under Garden City Code a “tiny home community *on wheels*” can already be established if the homes are reviewed as recreational vehicles (RVs). They must comply w [8-2C-33](#) and the vehicle would need to be classified as an RV under Idaho Statutes and be reviewed for life safety under RVIA Standards.

The applicant is wishing to establish a new section of code to reduce the size requirement of the community and establish “semi-permanent” living. “Semi-permanent” living guidance does not exist in Idaho Code.

8-7A-1  
Definition of  
Uses

“Tiny Home Community” ~~“The use of a site by two (2) or more Tiny Homes as dwelling units for short- or long-term flexible living quarters on a temporary or permanent basis.”~~

A better term may be: “Tiny Home **on Wheels** Community” as it appears that the intent is to preclude stick-built structures within the communities. Tiny homes that are stick-built are already able

<sup>1</sup> The strike through was not submitted by the applicant with the application materials. This is staff’s interpretation of the intended strike throughs.

		to be built either under multi-family or residential subdivision standards.
8-7A-2 Definitions of Terms	<p><del>TINY HOME: moveable home on a trailer/wheels and designed primarily with more traditional home building construction methods by a professional builder or as a do it yourself project to provide affordable short term or long term living accommodation. Tiny homes may be certified as recreational vehicles, but traditional recreational vehicles are not considered tiny homes under this code. Tiny homes have a ground floor area of not greater than 400 sq ft not including lofts. Tiny homes can be defined as recreational vehicles as defined in Idaho Code section 49-119(R), so that they can be allowed to park in recreational vehicle parks, but the build and design of tiny homes is specifically meant for permanent/ semi-permanent occupation as opposed to recreational or emergency occupancy.</del></p> <p><u>A moveable dwelling on wheels or a trailer with wheels, intended for separate, independent living quarters of one family that meets all of the following requirements:</u></p> <ol style="list-style-type: none"> <li>a. <u>Is licensed and registered with the Idaho Department of Motor Vehicles;</u></li> <li>b. <u>Is registered and approved by Garden City</u></li> <li>c. <u>Meets the American National Standards Institute (ANSI) 119.5 standards or the National Fire Protection Association (NFPA) 1192 standards or IRC appendix Q standards, and is certified for ANSI, NFPA, or IRC compliance;</u></li> <li>d. <u>A 3rd party inspection agency (RVIA, HUD, NOAH, or other national certification agency) shall certify the Tiny Home meets the required standards;</u></li> <li>e. <u>Cannot move under its own power;</u></li> <li>f. <u>Must remain in readily moveable condition;</u></li> <li>g. <u>is no larger than allowed by Idaho State Law for movement on public highways;</u></li> <li>h. <u>is no smaller than 120 and no larger than 400 square feet or habital space as measured within the exterior faces of the exterior walls;</u></li> <li>i. <u>Is constructed primarily with more traditional home building construction</u></li> </ol>	<p>Through the previous set of work sessions, it was identified that the applicant is only wishing to address only Tiny Homes <b>on Wheels</b>.</p> <ul style="list-style-type: none"> <li>• A suggested might be along the lines of: “TINY HOME <b>ON WHEELS</b>: a moveable dwelling on wheels or a trailer with wheels, <u>that does not have its own power source, and is certified to be compliant with the American National Standard Institute (ANSI) or National Fire Protection Association (NFPA) standards for recreational vehicle standards.</u></li> <li>• Requirements thereof would be better placed in 8-2C-49.</li> </ul>

	<a href="#">methods and materials including 2x4 or 2x6 construction; residential siding; residential windows.</a>	
8-2C Land Use Provisions <u>“Tiny Home Community” 8-2C-49</u>		Based on the first set of work sessions this has been reviewed as a <b>“Tiny Home on Wheels Community”</b>
<u>A. Setbacks and Dimensional Requirements</u>	<ol style="list-style-type: none"> <li><u>Tiny Home Communities shall have a maximum density of 30 units per acre in the C2 zone and 20 units per acre in the R3 zone.</u></li> <li><u>Tiny Homes shall be setback a minimum of 10 feet from other Tiny Homes in a Tiny Home community</u></li> <li><u>The location of all Tiny Homes, Pads, utility hookups, and all other site features shall comply with the setbacks of the base zoning district.</u></li> </ol>	<ul style="list-style-type: none"> <li>Density should be relocated to a different subsection.</li> <li>The proposed maximum density of thirty units per acre in the C-2 zone and 20 units per acre in the R-3 Zone equates to a site of 1,452 square feet or 2,178 square feet. Staff suggests that a better way of addressing this situation is akin to the Garden City Code 8-4J Manufactured and Mobile Home Provisions which address setbacks between units and requires a minimum pad site (of 4,000 square feet is required by 8-4J). 8-4J then only allows for a density of one unit per pad site.</li> <li>For life, and safety purposes there should be a minimum setback between units.</li> </ul>
<u>B. Site Layout and Design</u>	<ol style="list-style-type: none"> <li><u>Tiny Home Communities shall have individual, <del>distinctive</del> separate pads for locating each Tiny Home within the community.</u></li> <li><u>Each pad site shall be labeled for emergency medical services.</u></li> <li><u>The site layout shall reflect the requirements of the health and fire authorities with respect to water supply, sewage disposal, fire hydrants, sanitary facilities, building location, street layout, and park design.</u></li> <li><u>Internal site drive aisles shall have a minimum lane width of ten feet (10') where parking is not permitted. Internal one-way drive aisles shall be encouraged. All drive aisles, Tiny Home pads, and parking areas shall be paved with concrete, asphalt, crushed granite, or another approved rock base material.</u></li> <li><u>Tiny home communities <del>will</del> shall provide a minimum of 0.4 for each tiny home pad in the c-2 zone, and .75 parking spaces for each tiny home pad in the R-3 zone. <del>ten by twenty (10' x 20') parking spaces for each tiny home pad in the r-3 zone. To further encourage affordability and the use of</del></u></li> </ol>	<ul style="list-style-type: none"> <li>Consider landscaping standards greater than 8-4I-4(B), specific to the use.</li> <li>Move density to this section.</li> <li>Consider rewording provision 2 to: “Each pad space shall be addressed. Space numbers shall follow a logical chronological sequence.”</li> <li>It is suggested that the design be required to address the street independent of the units. For example, there could be a requirement that there be no pad site within 30 feet of the public right of way, certain landscaping requirements at the street, etc.</li> <li>Consider adding: Only one tiny home per approved pad is allowed.</li> <li>Consider rewording the third provision to: All Tiny Home pads shall be provided with code-compliant water, sewer,</li> </ul>

	<p><del>alternate forms of transportation</del> Tiny Home Communities shall provide 1 bicycle parking space for each Tiny Home pad.</p> <p>6. <u>Outdoor lighting shall be provided. Outdoor lighting shall comply with all requirements of the underlying base zoning district.</u></p> <p>7. <u>Tiny Home communities shall meet all landscaping standards of Manufactured and Mobile Home communities as set forth by this title.</u></p> <p>8. <u>Tiny Home Communities shall be screened from adjacent properties by a sight obscuring planting screen, fence, or combination thereof, and shall meet all landscaping requirements of the underlying zoning code. Where adjacent to public right of way Tiny Home community design and layout should address the street and elevations of individual tiny homes should contain the following: 1. Windows; 2 A variety of colors; 3. Modulation in the tiny home façade or roof line; 4. Clear pedestrian connectivity into the site from the sidewalk.</u></p> <p>9. <u>One sewer, and one water connection shall be provided for each tiny home pad. All sewer and water line connections to each pad shall be first approved by the city engineer and the health authority.</u></p> <p>10. <u>Shared Trash receptacles are encouraged and shall be provided at a rate of fifteen (15) gallons of refuse capacity for each (1) tiny home unit.</u></p> <p>11. <u>Each tiny home pad shall be provided with a minimum of 30 amp electrical service.</u></p> <p>12. <u>Where adjacent to public right of way Tiny Home community design and layout shall address the street, and provide clear pedestrian connectivity into the site from the public sidewalk.</u></p> <p>13. <u>Each Tiny Home pad shall be provided with code compliant water, sewer, electrical, and trash service. Shared trash service is allowed provided that the community maintains compliance with required property maintenance standards as set forth by this title.</u></p>	<p>electrical, trash service, and fire protection facilities.</p> <ul style="list-style-type: none"> <li>• Consider adding: All structures on site shall be clearly accessory to the use.</li> <li>• What is the mechanism for the landlord to regulate the parking so that it does not affect the surrounding neighborhood?</li> </ul> <p>The following are provisions to consider. They are amended directly from GCC 8-4J. They are not updated to include the applicant's desire to not have setbacks between units and include requirements for storage:</p> <p>Occupancy: Each tiny home within the community must be on a designated and approved pad site. A maximum of one (1) tiny home on wheels shall be permitted per approved space and shall not exceed the occupancy equal to a single-family dwelling.</p> <p>Access To Streets: Direct access to a fire-accessible street, and a fire hydrant is required for all tiny homes. The tiny home community shall be subject to the rules and regulations of the fire authority.</p> <p>Access To Public Thoroughfares: The means of ingress and egress to and from public thoroughfares shall be arranged to provide reasonable safety for the users.</p> <p>Driveways: All driveways shall be surfaced in accordance with article E, chapter 4, "Transportation And Connectivity Provisions"</p> <p>Land Area: Each pad space shall be no less than four thousand (4,000) square feet of land area, not including the common areas.</p> <p>Setbacks:</p> <ol style="list-style-type: none"> <li>1. Each pad site shall have a twenty-foot (20') minimum setback from any public street or thoroughfare, calculated from the lot line or right-of-way, whichever is more restrictive.</li> <li>2. Minimum setbacks within a tiny home community shall be as follows: <ol style="list-style-type: none"> <li>a. Front yards: Nine feet (9').</li> </ol> </li> </ol>
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		<p>b. Side yards: Twenty feet (20') between adjacent sides of tiny homes or permanently attached structures. Structures including steps, decks, nonenclosed patios, and covered parking may encroach into this setback provided that all building codes are met.</p> <p>c. Rear yards: Six feet (6').</p> <p>3. Side And Front Yard Reduction:</p> <p>a. Side yards may be reduced to fifteen feet (15') between adjacent sides of tiny homes or accessory structures permanently attached to the land. This is contingent upon inspection and approval of the park and the proposed home to be moved to the park, by the fire chief or fire marshal, building official and the Garden City planning official or designee.</p> <p>b. Adequate ingress/egress widths with approved surfacing, house numbering, proper park identification/signage at entrances with house numbers, fire extinguishers, accessibility around existing and proposed tiny homes, additions, storage sheds, and adequate sustained fire flows shall be required to allow a fifteen-foot (15') side yard setback.</p> <p>Tiny Home Community Identification: Each tiny home community shall have a sign at the entrance no less than eighteen (18) square feet in area showing the name and address of the tiny home community as set forth in article F, "Sign Provisions", of this chapter.</p> <p>Space Identification: Each space shall have one (1) nameplate or address sign identifying the space number. Space numbers shall follow a logical chronological sequence.</p> <p>Common Area: Each new or expanded tiny home community shall provide a minimum of one hundred fifty (150)</p>
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		<p>square feet of area for each pad site for the common use of the occupants of said spaces. The common area shall not include the minimum setbacks for the pad sites, nor shall it include parking or garbage areas.</p> <p>Patios, Open Space:</p> <ol style="list-style-type: none"> <li>1. Each pad site shall provide a patio convenient to the entrance to the structure occupying the space. Each patio shall have a minimum area of one hundred twenty (120) square feet of usable outdoor space that is free from parking or storage.</li> <li>2. Each tiny home within the tiny home community shall be placed on a pad not less than the area of the tiny home. The pad shall be improved, providing a base for the unit with adequate drainage.</li> </ol> <p>Tenant Storage Space: Each pad site shall include an enclosed storage facility for each space, compatible with mobile home design and appearance, not less than forty (40) square feet in floor area with a minimum wall height of five feet (5').</p> <p>The One Hundred (100) Year Floodplain: No tiny homes shall be placed within the 100-year flood zone.</p>
<p><u>Amenities</u></p>	<ol style="list-style-type: none"> <li>1. <u>All Tiny Home Communities shall provide for amenities to meet the particular needs of the residents from the following categories:</u> <ol style="list-style-type: none"> <li>a. <u>Quality of life amenities including but are not limited to: clubhouse; fitness facilities; enclosed bike storage; public art; pet park; restrooms; laundry faciities; storage spaces.</u></li> <li>b. <u>Open space including but are not limited to: open grassy area; community garden; ponds or water features; plaza; BBQ cooking area; Community gathering area.</u></li> <li>c. <u>Recreation amenities including but are not limited to: pool; walking trails; children's play structures; sports courts; bicycle service area.</u></li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• For reference: 2-2C-15, Multi-family requires two amenities for developments less than 20 units, three amenities for developments with 20-75 units, and four amenities for developments with more than 75 units. For units with more than 20 units a property management office, maintenance storage area, central mailbox location, and directory map are required.</li> <li>• Consider further defining open space to ensure that it will be usable. For example, 8-2C-15 requires that it be at least 50' X 100'</li> <li>• Provision 2 seems to conflict with the rest of the provisions. Is</li> </ul>

	<ol style="list-style-type: none"> <li>2. <u>For each Tiny Home pad in a Tiny Home community 120 square feet of space must be dedicated to amenities.</u></li> <li>3. <u>The number of amenities shall depend on the size of Tiny Home Community as follows: a. For Tiny Home Communities with less than Thirty (30) units, two (2) amenities shall be provided from two (2) separate categories. B. For Tiny Home Communities between thirty (30) and sixty (60) units, three (3) amenities shall be provided, with one from each category. C. For Tiny Home Communities with seventy five (75) units or more, four (4) amenities shall be provided, with at least one from each category.</u></li> </ol>	<p>the intent that each pad will have its own space?</p>
<p><u>Limitations</u></p>	<ol style="list-style-type: none"> <li>1. <u>Temporary allowance for Recreational vehicles: No more than 15% of tiny home pads may be occupied by traditional recreational vehicles at any time, and recreational vehicles must be moved from the site every 180 90 days for at least 14-7 days. When a recreational vehicle remains in a Tiny Home Community in excess of ninety (90) days, the Tiny Home Community proprietor will advise the planning official and shall require that the recreational vehicle tenant move.</u></li> <li>2. <del>It shall be unlawful for a Tiny Home Community owner or tenant to permit a recreational vehicle to remain situated in a Tiny Home Community in excess of one hundred and eighty (180) days. Where the Tiny Home Community tenant is physically disabled from traveling, extensions may be granted by the planning and zoning administrator and/or his or her designee in conjunction with the proprietor of the Tiny Home Community</del></li> <li>3. <del>Where a Tiny Home Community tenant remains in a Tiny Home Community in excess of one hundred and eighty (180) days, the Tiny Home Community proprietor will so advise the planning and zoning administrator and/or his or her designee and cooperate with the planning and zoning administrator and/or his or her designee and city attorney in removing said holdover tenant.</del></li> <li>4. <del>It shall be unlawful to remove the wheels from any recreational vehicle located within a Tiny Home Community as defined in this chapter. It shall also be unlawful to permanently affix any such living unit to the ground when located within such a Tiny Home Community.</del></li> </ol>	<ul style="list-style-type: none"> <li>• Consider adding a minimum number of units so that the use creates a community.</li> <li>• The term “Traditional RV” needs to be defined. Are there criteria defined to identify the difference between “traditional recreational vehicles” and “tiny homes”?</li> <li>• Who monitors the percentage? How is this enforced?</li> <li>• If the intent of registering is to meet the state’s requirement that the homes not “permanent” the dates of the stay at a given community or address is needed.</li> <li>• What are the criteria for granting an extension? How long can the extension be granted?</li> <li>• When a tenant overstays the allowable time, rather than “advise” the planning and zoning administrator and cooperate to remove the tenant, the proprietor shall require that the Tiny Home Community tenant move. The provision puts the onus of the administration of the tiny home community on the city rather than the business. Consider: “When a recreational vehicle remains in a Tiny Home Community in excess of ninety (90) days, the Tiny Home Community proprietor will advise the planning official and</li> </ul>

	<p><u>2. Short Term rentals not allowed. Tiny Homes and Pads shall not be rented or leased for periods of less than 1 month.</u></p> <p><u>3. It shall be unlawful to remove the wheels from any Tiny Home or recreational vehicle located within a Tiny Home Community. It shall also be unlawful to permanently affix any such living unit to the ground when located within such a Tiny Home Community.</u></p>	<p>shall require that the recreational vehicle tenant move.”</p> <ul style="list-style-type: none"> <li>• Consider rewording the newly proposed provisions to be:</li> </ul> <p>2. Short-term rentals shall not be allowed. Tiny Homes shall not be rented or leased on less than a monthly basis.</p> <p>3. Wheels shall be maintained full of air and in operable condition,</p> <p>4. Each tiny home must maintain vehicle registration and insurance.</p> <p>5. It shall be unlawful to remove wheels from Tiny Homes on Wheels or to permanently affix any structure to a Tiny Home on Wheels.</p> <ul style="list-style-type: none"> <li>• Consider adding provisions such as:</li> </ul> <p>6. The following information shall be submitted to Garden City annually:</p> <ul style="list-style-type: none"> <li>○ Garden City conditional use permit number;</li> <li>○ Verification of compliance with the conditional use permits approval;</li> <li>○ Manager contact information;</li> <li>○ Verification that all tiny homes are readily movable and roadworthy;</li> <li>○ Garden City Tiny Homes on Wheels Annual Certification for each home within the community;</li> <li>○ Log of all tenants including but not limited to: <ul style="list-style-type: none"> <li>• Name of the tenant;</li> <li>• Current Garden City Tiny Home on Wheels Certification for each home;</li> <li>• Date of commencement of the tenancy;</li> <li>• Date of anticipated termination of the tenancy.</li> </ul> </li> </ul>
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<p><u>Site Maintenance</u></p>	<p>1. <u>A manager shall be reachable by phone 24 hours a day</u></p>	<ul style="list-style-type: none"> <li>• Management that does not have an on-site presence is often less effective. An on-site manager can see refuse, storage, problematic tenant behaviors, etc. Consider adding the language: “A manager shall be reachable and able to attend to matters 24 hours of the day. While the manager is not on-site, a phone number shall be posted in a visible, legible, and overt manner.”</li> <li>• Consider adding language consistent with 8-2C-15 “Site Maintenance: All tiny home on wheels communities shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.”</li> <li>• Consider adding language: Delapidated Tiny Homes on Wheels shall be repaired or removed.</li> <li>• Consider adding: No outdoor storage.</li> </ul>
<p><u>Other Standards Apply</u></p>	<p><u>Outdoor storage, service and equipment areas shall comply with sections 8-1C-3, Property Maintenance Standards, and 8-4A-5, Outdoor Service And Equipment Areas, of this title.</u></p>	<ul style="list-style-type: none"> <li>• Consider adding language such as “Design Standards not specifically addressed by this section shall adhere to GCC 8-4 and approved via a Design Review application”</li> </ul>
<p>8-2C-14 Dwelling Unit Accessory</p>		
<p>Setbacks And Dimensional Standards:</p>	<p>1. Setbacks shall meet the zoning district setback requirements.  2. No accessory structure shall be allowed in front of the principal structure <del>without design review approval.</del>  <del>3. Accessory dwelling units may not be any greater in size than six hundred (600) square feet.</del>  4. <u>Tiny Homes as small as 120 square feet may be used for accessory dwelling units.</u></p>	<ul style="list-style-type: none"> <li>• On September 17, 2020, the Planning and Zoning Commission recommended changes to 8-2C-14. As there are recommended amendments to this section of code, it is suggested that they be included at this time. <u>Link.</u> The Planning and Zoning proposal is included for reference in <u>green.</u></li> </ul>

Additional Standards	<p>In addition to meeting all building codes for a dwelling unit, recreational vehicle, or tiny home, the following provisions shall be complied with:</p> <ol style="list-style-type: none"> <li>1. Not more than one accessory dwelling unit shall be allowed per property.</li> <li>2. Direct ingress and egress to the unit shall be provided.</li> <li>3. The unit shall provide a kitchen with appliances for the cooking of food, a sink, and storage.</li> <li>4. The unit shall provide a bathroom with minimally a sink, toilet, and either tub and/or shower.</li> <li>5. The unit shall have at least <u>one hundred and twenty three hundred (300)</u>-square feet of habitable space as defined by the building codes.</li> <li>6. The unit shall provide for at least one closet.</li> <li>7. The unit shall be identified with an approved address.</li> <li>8. <u>Manufactured and mobile homes not declared as real property and, on a foundation, shall not be permitted as an accessory dwelling unit. <del>Manufactured and mobile homes shall not be permitted as an accessory dwelling unit if they don't meet the definition of a tiny home.</del></u></li> <li>8. <u>Tiny home as may be used as accessory dwelling units.</u></li> <li>9. <u>When tiny homes are used as accessory dwelling units they must be hooked up to onsite water, sewer, and electrical services while being used for living quarters or sleeping quarters.</u></li> <li>9. <u>There must be at least one onsite parking space provided. The principal structure parking must also be code compliant.</u></li> <li>10. <u>Accessory dwelling units shall be compatible with the look and scale of the principal structure.</u></li> <li>11. <u>Accessory dwelling units shall be clearly incidental to the principal structure.</u></li> </ol>	<ul style="list-style-type: none"> <li>• Considerer rewording: “In addition to meeting all building codes for a dwelling unit, recreational vehicle, or tiny home, the following provisions shall be complied with “ to “1. If the tiny home is not on wheels, it must have a certificate of occupancy issued by the city prior to occupancy, to ensure that it has been reviewed and approved for compliance with Garden City Code. If the tiny home is on wheels, it must be licensed as a motor vehicle and contain a current Garden City Tiny Home on Wheels annual certification.”</li> <li>• For reference: 2018 IRC definition of habitable space “A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces and similar areas are not considered habitable spaces.”</li> <li>• Presumably the new proposed # 8 is intended to read “a Tiny home on wheels may be used as an accessory dwelling unit.”</li> <li>• The Design Review Committee recommends that the Planning and Zoning Commission proposed #9 not be included “There must be at least one onsite parking space provided. The principal structure parking must also be code compliant.”</li> <li>• Consider adding an additional provision “the setbacks of the zoning district must be adhered to. The area adjacent to a public street shall be considered the front.”</li> <li>• Consider requiring that the design require a design review committee approval or design review consultant review.</li> </ul>
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<b>8-1C-3 PROPERTY MAINTENANCE STANDARDS:</b>		
	<p>R. Accessory Structures: In all districts, no garage, tent, trailer, fifth wheel, motor coach, recreational vehicle, travel trailer or other accessory structure shall be erected or used for living quarters or sleeping quarters outside of an approved recreational vehicle park <u>or Tiny Home Community</u> for more than fourteen (14) consecutive days.</p> <ol style="list-style-type: none"> <li>1. The quarters may not be utilized more than two (2) times per calendar year from</li> </ol>	<ul style="list-style-type: none"> <li>• The proposal includes utilizing Tiny Homes as Accessory Dwelling Units. This section needs to be amended or altered to allow for this proposal. To allow for this proposal consider: “Accessory Structures: In all districts, no garage, tent, trailer, fifth wheel, motor coach, recreational vehicle, travel trailer or other accessory structure shall be erected or used for</li> </ul>

	<p>January 1 through December 31 for living or sleeping quarters outside of an approved recreational vehicle park.</p> <p>2. No recreational vehicle shall be allowed to connect to Garden City utilities outside of an approved recreational vehicle park <u>or Tiny Home Community</u>.</p>	<p>living quarters or sleeping quarters <del>outside of an approved recreational vehicle park</del> for more than fourteen (14) consecutive days <u>unless otherwise expressly permitted by this Title</u>.</p> <ol style="list-style-type: none"> <li>1. <del>The quarters</del> <u>Recreational vehicles and tiny homes on wheels</u> may not be utilized more than two (2) times per calendar year from January 1 through December 31 for living or sleeping quarters outside of an approved recreational vehicle park <u>or tiny home community unless legally approved as an accessory dwelling unit</u>.</li> <li>2. No recreational vehicle <u>or tiny home on wheels</u> shall be allowed to connect to Garden City utilities outside of an approved recreational vehicle park <u>or tiny home community unless legally approved as an accessory dwelling unit</u>.</li> <li>3. No tiny home on wheels shall <u>be occupied without a current Garden City annual Tiny Homes on Wheels certification</u>.</li> </ol> <ul style="list-style-type: none"> <li>• If Tiny Homes are not allowed as accessory dwelling units, R.1. would need to be clarified to include “ <u>or Tiny Home Community</u>”</li> </ul>
8-6A-14 PENALTIES:		
	<p>C. Infractions: It is an infraction for any person to violate any of the provisions of sections 8-2C-3; 8-2C-11D; 8-2C-15; 8-2C-21; 8-2C-26A; 8-2C-37F.3; 8-2C-38B; 8-2C-38C; 8-2C-40B; <u>8-2C-49</u>; chapter 4, article F; 8-4H-3; sections 8-4J-4; 8-4J-5J and 8-4J-5K of this title unless otherwise specifically provided. Infractions under this title are punishable by a fine of one hundred dollars (\$100.00) plus court costs unless otherwise specifically provided.</p>	

## I. Agency Comments

No agency comments have been received at the time of the drafting of this report.

## J. Public Comment

No public comments were provided as of the drafting of this document.

## K. Decision Process

### Proposed Scope of Work:

This application is for a Development Code Amendment.

### General Provisions

This application is processed per GCC 8-6A-7 Public Hearing.

**Required Decisions:** The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Development Code Amendment	Design Review Committee: Hearing TBD Planning and Zoning Commission: TBD	City Council: TBD

### Required Findings:

For the approval of a Development Code Amendment, the City Council must find the application meets the following findings, found in [GCC 8-6B-5](#):

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

### Decision:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

The Planning and Zoning Commission and Design Review Committee are recommending bodies for this application.

### Recommendation

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;

3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

Appeal of Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission and Design Review Committees are recommending authorities to City Council, the final decision maker for the requested application. The recommendations of the Design Committee and the Planning and Zoning Commission do not constitute a final decision on the application.

Every final decision rendered shall provide is accompanied by notice to the applicant regarding the applicant’s right to request a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521\(1\)\(a\)](#), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code. Per Idaho Code 67-6511 (2)(a) this provision extends to an amendment of a zoning ordinances applicable to an owner’s lands.

L. Code/Policy Review

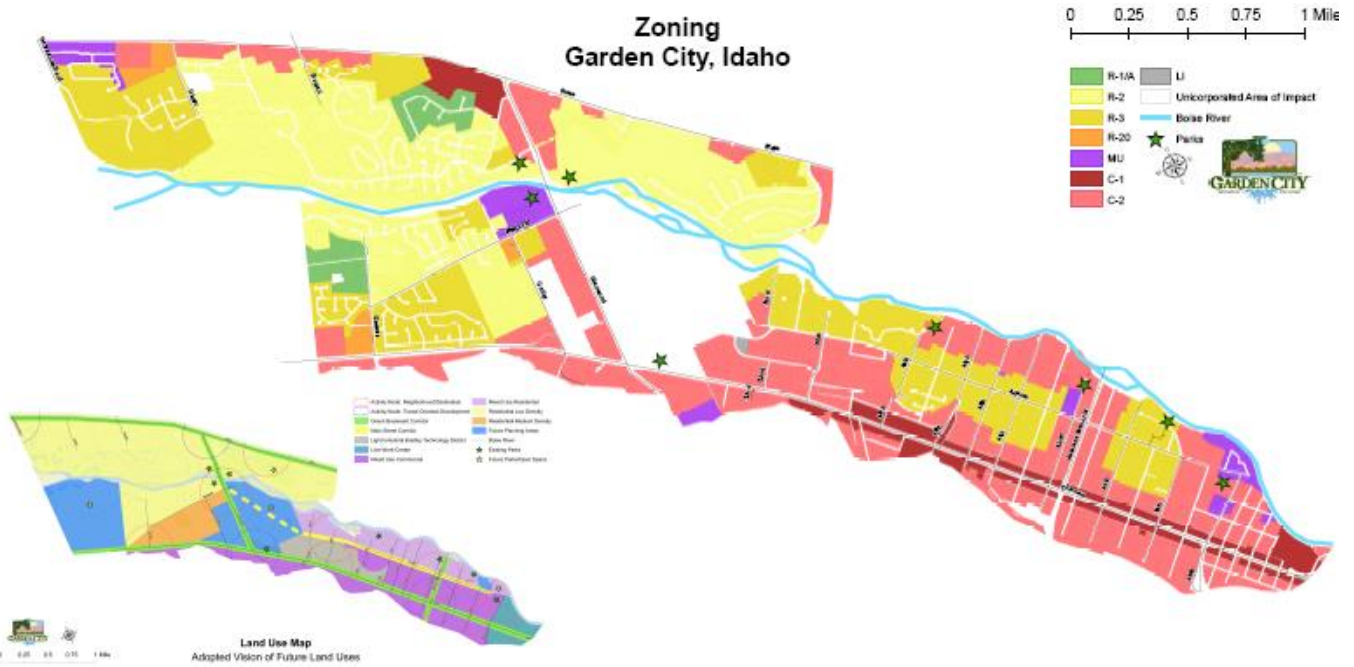
The below serves as an analysis of applicable provisions of Garden City Code, Title 8, Development Code, and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	DRC/PZ/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was

			issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>	DRC/PZ/CC	No concerns noted	A Compliance Statement was received as required.
<a href="#">8-6A-7 Public Hearing Process</a>	PZ/DRC/CC	No compliance issues noted	<p>A City policy is that when more than two hundred individuals will be affected that three forms of alternative noticing are provided in efforts for more transparency. These include posting of notice in three conspicuous locations in the city, making notice available to media for use as a public service announcement, and a paid advertisement in local print media. This requirement is listed on the web and provided to and discussed with the applicant prior to submittal.</p> <p>The applicant's unofficial representative, Jason Jones, noted that they did not wish to follow city policies and procedures, and that they would opt to apply the minimum noticing as established in code. For most application types there is a finding required that there be no violation of any City policy. There is no such finding required of a Title 8 Code Amendment.</p> <p>The City provided notifications to agencies with jurisdiction and will run a 2"X 4" legal notice in the Idaho Statesman, at least 15 days prior to the first hearing, conspicuously posted notice at the Garden City Library, Garden City Hall, online, and Garden City Police Department, and provided notice to radio, newspaper, and television. This has been completed for the public hearings scheduled for December 15<sup>th</sup>, December 20<sup>th</sup>, and January 10<sup>th</sup>.</p>

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6511</a>	<p>The Local Land Use Planning Act requires that code amendments be noticed and heard per 67-6709, compliant with the Comprehensive Plan, and provides for certain considerations.</p> <p>Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.</p>
<a href="#">Idaho Code 67-6519</a>	Garden City Code and procedures are consistent with The Local Land Use Planning Act Application Granting Process.
<a href="#">Garden City Comprehensive Plan</a>	<p>This application applies to the entire city.</p> <p>A goal that pertains to this application is:</p> <p><b>Goal 6 Diversity in Housing</b> Objective 6.2 Continue to be a leader and set an example for the region in creating a diversity of housing.</p>

If concerns are not vetted the proposal would be contrary to.  
**Goal 8 Maintain a Safe City, and**  
**Goal 10 Plan for the Future, and**  
**Goal 11 Serve the City.**



**Image A: Zoning Map**