

City of Scottsbluff, Nebraska

Monday, July 11, 2016

Regular Meeting

Item NewBiz3

Discussion Tiny House Requirements

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To:	Planning Commission	Zoning:	N/A
From:	Development Services Department	Property Size:	N/A
Date:	July 11, 2016	# Lots/Units:	
Subject:	Establishing Tiny Home Requirements		
Location:	Residential Zoning Districts		

Recently we've had a few calls regarding Tiny Homes. We do not have anything in our code and would like to establish some guidelines for this type of home and where they can be placed within the City.

Some of the things we have discussed are whether we want to allow them on permanent foundations, on wheels, or both. There are also some issues with meeting building code- we are recommending to only allow them on permanent foundations, and require minimum square footage that allows for building codes to be met. They will have to have utilities to each unit. We could possibly have a minimum of about 200 square feet, we would also require them to hook up to City utilities, with each unit having its' own meter.

The Tiny Homes/Houses could be added under Article 7 of our zoning code Planned Unit Developments (PUDs) which has information on Condominiums, Townhouses, Cluster Housing & Mobile Home PUDs we could possibly use language similar to our requirements for the Mobile Home Planned Unit Developments, we could use this code making adjustments for lot sizes, building square footages, and setbacks that make sense for tiny homes. We would prefer these requirements/guidelines rather than having them pop up on vacant lots or in backyards around town.

I have attached some guidelines the State of Nebraska has for this type of home.

RECOMMENDATION

Approve

Make a motion to pursue and make changes to code by adding language to Article 7, Chapter 25 adding language for Tiny homes, definition and requirements subject to the following condition(s):

Deny

Make a motion to disapprove changes to Article 7, Chapter 25 adding language to Article 7, Chapter 25 for Tiny Homes, for the following reason(s):

Table

Make a motion to TABLE the proposed changes to Article 7, Chapter 25, regarding language for Tiny Homes for the following reason(s):

TINY HOUSE FACT SHEET AND FAQs

NEBRASKA TINY HOUSE REGULATION

Pursuant to Nebraska law, the Nebraska Public Service Commission (Commission) enforces health

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and safety regulations of building codes for closed-construction structures built away from the site of occupancy (*See Neb. Rev. Stat. § 71-1555 – 1568.01 and § 71-4601 – 4620.01*). This includes structures transported from the building site to another location and cannot be readily inspected at the site of occupancy without disassembly, damage to, or destruction thereof. Further, the Commission also regulates recreational vehicles, park trailers and travel trailers. There are three structures regulated by the Commission:

- Manufactured (mobile) homes built in accordance with the rules and regulations of

the United States Department of Housing and Urban Development's (HUD) Federal Manufactured Home Act. Such homes passing inspection are issued a HUD manufactured home label;

- Modular housing units built in accordance with applicable construction codes, i.e. the International Residential Code and the National Electrical Code adopted by Nebraska. Modular homes meeting the requirements are issued the Nebraska Modular Housing Unit label; or
- Recreational vehicles, including motor homes, park trailers, travel trailers, built in accordance with the National Fire Protection Association (NFPA) Standard on Recreational Vehicles, NFPA 1192 or the Park Model Recreational Vehicle Standard, ANSI A119.5. Such conforming vehicles are issued the Nebraska Recreational Vehicle label.

All three types of structures when sold and/or offered for sale in Nebraska are legally required to have affixed to them the appropriate State or Federal label attesting to compliance with the relevant building codes. There are no exceptions; the structure, if built away from the site of occupancy and of closed-construction, must have a State or Federal label affixed to it to be legally sold

in Nebraska.

So where do tiny houses fit in the regulatory structure outlined above?

The answer depends on the tiny house. Some tiny houses incorporate a permanent frame, axles, wheels and tires, and because of their size fall into the definition of a park trailer in Commission regulations. To comply with the requirements for park trailers, the tiny house must be:

- Built on a single chassis mounted on wheels;
- Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances;
- Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and
- Have a gross trailer area not exceeding four hundred thirty (430) square feet when in the setup mode.

If the tiny house meets the four requirements above, along with the requirements of ANSI A119.5, and complies with Commission plan review and inspection requirements, the tiny house would be considered a park trailer and be issued a Nebraska Recreational Vehicle label to affix to the structure. The builder must make contact with the Commission for plan submittal, plan review and inspection requirements.

What if my tiny house doesn't meet the requirements to be a park trailer?

If the tiny house does not meet all four park trailer requirements, the house is then considered either a manufactured home or a modular housing unit. Building codes for each of these types of homes

have requirements for structural integrity, lighting, ventilation, heating, insulation, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape, means of egress, smoke alarms, to name a few. Builders must obtain a label prior to building the first home. To obtain a label a builder must:

- For Manufactured homes – Make contact with a HUD approved design review agency (DAPIA) and a HUD approved inspection agency (IPIA), and adhere to their individual plan submittal, plan review and inspection requirements. In Nebraska the Commission can serve as the DAPIA, and must serve as the IPIA for HUD.
- For Modular housing units – make contact with the Commission for plan submittal, plan review and inspection requirements.

Will my tiny home be subject to any local requirements?

Yes. Tiny houses, like all other houses and recreational vehicles, will be subject the zoning requirements of local jurisdictions which vary widely by jurisdiction. Some aspects typically regulated by local zoning laws include: land use, location, height, width, type of foundation, number of stories, and size of buildings. It therefore becomes an important first step for the builder and prospective tiny home owner to obtain permission from the local jurisdiction to site the tiny home in their jurisdiction.

Who do I contact if I have further questions or want more information regarding the requirement to build and/or sell tiny houses in Nebraska?

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