

ORDINANCE NO. 2021-11-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARDIN, TEXAS, PROVIDING FOR MINIATURE, TRANSPORTABLE HOUSING (TINY HOMES); PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARDIN, TEXAS, THAT:

SECTION 1. DEFINITIONS

- A. **"Tiny House Park"**: For purposes of this Ordinance, the phrase "Tiny House Park" means a unified development located on the Property configured as a single, undivided lot but on which individual lease pads, along with common areas and open spaces area established, on which Pads privately owned Tiny Houses may be placed.
- B. **"Tiny House" Defined: Size and Construction Standards:** For purposes of this Ordinance, a "Tiny House" is defined as a principal residential dwelling that has a square footage of no less than one hundred (100) square feet and no greater than nine hundred (900) square feet, with said dwelling being structurally attached to a transportable chassis, with or without a permanent foundation, capable of being connected to available utilities including plumbing (water and sewer service), mechanical, natural gas, communications, and electrical systems. Tiny Houses constructed or otherwise located in the city shall be subject to the following:
1. **Minimum Unit Size:** Each Tiny House shall have a minimum gross floor area of notless than one hundred (100) square feet.
 2. **Minimum Sleeping Room Size:** In every Tiny House of two or more rooms, everyroom occupied for sleeping purposes by one occupant shall con-

tain at least thirty- five (35) square feet of floor space.

3. **Width:** Each Tiny House must measure not less than seven feet (7.0') and not greater than eight and one-half feet (8.5') in width.
4. **Depth:** Each Tiny House must measure not less than twelve feet (12') and not greater than forty feet (40') in length.
5. **Restroom:** Each Tiny House shall have a least one restroom dedicated and capable of connecting to city plumbing and discharging wastewater.
6. **Construction Standards:** In addition to the regulations set forth in this Ordinance, every Tiny House located in the city, whether constructed in the city on a permanent foundation or constructed off-site and transported to the city, shall, at the time of application for a building permit or, if not building permit is required, certificate of occupancy, be constructed in accordance with:
 - a. all construction codes relating to residential dwelling units enacted by the City of Hardin that are deemed to be applicable to the structural stability and life safety requirements for a Tiny House as determined by the Building Official or designee; and
 - b. Appendix V, Tiny Houses to the International Residential Code, as approved by the International Code Council (ICC), a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference.
7. **Foundation Platforms:** Tiny Houses located in the city shall be constructed with one of the following foundation platforms:
 - a. Mobile, or wheeled, platforms shall be permitted in the form of a trailer vehicle that is registered with the Texas Department of Motor Vehicles (TxDMV). Such dwellings may be towed in-place by means of bumper hitch, frame-towing hitch, fifth-wheel connection, gooseneck type, or other approved towing method.
 - (1) All Tiny Houses with mobile or wheeled platforms shall be:
 - (a) tied down to the ground or pad with an auger/ground anchors when located on a Pad; and

(b) constructed with fire-resistant skirting, with the necessary vents, screens, and/or openings that is installed within thirty (30) days after placement of the Tiny House on the Pad.

b. Conventional foundation platforms, such concrete slab on-grade, pier and beam, perimeter grade beam, and similar permanent foundation types shall be permitted, with such foundations being certified by a registered professional structural engineer as a condition of securing building permit approval.

8. Pad Requirements:

a. **Area:** Each Pad shall have an area of not be less than eight hundred (800) square feet and not greater than one thousand (1,000) square feet.

b. **Width:** Each Pad shall not be less than twenty feet (20') wide and not greater than thirty feet (30') wide.

c. **Depth:** Each Pad shall be not less than thirty-seven feet (37') in depth and not greater than one hundred feet (100') in depth.

9. Setbacks:

a. **Adjoining property lines:** When located on a Pad, a Tiny House shall be setback not less than five feet (5.0') from the property line of the Property; provided, however, porches, awnings and other additions attached to the Tiny House may project a distance of not greater than an additional three feet (3.0') beyond the foregoing setback.

C. **Tiny Home Parks.** It shall be unlawful for any person to locate a tiny home park within the city limits of the City of Hardin, Texas.

SECTION 3. CONFLICTS. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Hardin governing the use and development of the Property which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. In the event there is an irreconcilable conflict within the text of this Ordinance, including any exhibits attached hereto, relating to the applicable standard to be enforced, the strictest standard shall be controlling unless the City Council determines by approval of a motion or resolution that the less stringent standard is to apply.

SECTION 4. SEVERABILITY CLAUSE. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Hardin Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Hardin Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. SAVINGS CLAUSE. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Hardin Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. PENALTY. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective from and after the date of its passage and final publication in the newspaper of record for the City of Hardin, Texas.

PASSED AND APPROVED this the 8th day of November 2021.

Original Signature on file
Harry Johnson, Mayor

ATTEST:

Original Signature on file
Heather Tanner, City Secretary

Exhibit "A"

Appendix V, Tiny Houses to the International Residential Code, as approved by the International Code Council (ICC)

APPENDIX V TINYHOUSES

SECTION AV101 GENERAL

AV101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with the *International Residential Code* except as otherwise stated in this appendix.

SECTION AV102 DEFINITIONS

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the *International Residential Code* for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the *emergency escape and rescue opening* requirements in Section R310.2.

LANDING PLATFORM. A landing measuring two treads deep and two risers tall, provided as the top step of a stairway accessing a *loft*.

LOFT. Any floor level located above the main floor and open to it on at least one side, with a *ceiling height* less than 6 feet 8 inches (2032 mm), complying with the area, access, and guard requirements of Section AV104, and used as a living or sleeping space.

TINY HOUSE. A *dwelling* which is 400 or less square feet (37 m²) in floor area excluding *lofts*.

SECTION AV103 CEILING HEIGHT

AV103.1 Minimum ceiling height. *Habitable space* and hallways in *tiny houses* shall have a *ceiling height* not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a *ceiling height* not less than 6 feet 4 inches (1930 mm). No obstructions shall extend below these minimum ceiling heights including beams, girders, ducts, lighting, or other obstructions.

Exception: *Ceiling heights* in *lofts* are permitted to be less than 6 foot 8 inches (2032 mm).

SECTION AV104 LOFTS

AV104.1 Minimum loft areas. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²)

AV104.1.2 Minimum dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a *loft* with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a *loft* with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from *lofts* shall be of any type described in Sections AV104.2.1 through AV104.2.4

AV104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5

AV104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at all points at or above the permitted handrail height. The minimum width below the handrail shall not be less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm) measured vertically from the sloped line connecting the tread nosings in the middle of the tread width.

Exception: The headroom for *landing platforms* shall not be less than 4 feet 6 inches (1372 mm).

AV.104.2.1.3 Treads and Risers. Risers for stairs accessing a *loft* shall be a minimum of 7 inches (178 mm) and a maximum of 12 inches (305 mm). Tread depth and riser height shall be calculated with the following formulas:

Tread depth= 20 inches (508 mm) minus $\frac{4}{3}$ riser height

OR

Riser height= 15 inches (381 mm) minus $\frac{3}{4}$ tread depth

Exception: *Landing platforms* shall measure two treads deep and two risers tall.

AV104.2.1.4 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.5 Stairway guards. *Guards* at open sides of stairways shall comply with Section R312.1.

AV104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AV104.2.2.1 and AV104.2.2.2

AV104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have 12 inches (305 mm) minimum rung width and 10 inches (254 mm) to 14 inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

AV104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AV104.2.3 Alternating tread devices. *Alternating tread devices* accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.2.4 Ships ladders. *Ships ladders* accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.3 Loft guards. *Loft guards* shall be located along the open side(s) of *lofts* located more than 30 inches (762 mm) above the main floor. *Loft guards* shall be not less than 36 inches (914 mm) in height or one-half the clear height to the ceiling, whichever is less.

SECTION AV105 EMERGENCY ESCAPE AND RESCUE OPENINGS

AV105.1 General. *Tiny houses* shall meet the requirements of Section R310 for *emergency escape and rescue openings*.

Exception: *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed with the bottom of their opening no more than 44 inches (1118 mm) above the loft floor.