

# Regulations for Alternative Housing Types



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# Freese and Nichols | Urban Planning + Design



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# Agenda

- What are “alternative housing types” and why are they important?
- Regulatory challenges and options:
  - Accessory dwellings
  - Tiny homes
  - Pocket neighborhoods
  - Short-term rentals
- Helpful resources
- Questions and discussion

# What are alternative housing types and the “missing middle”?

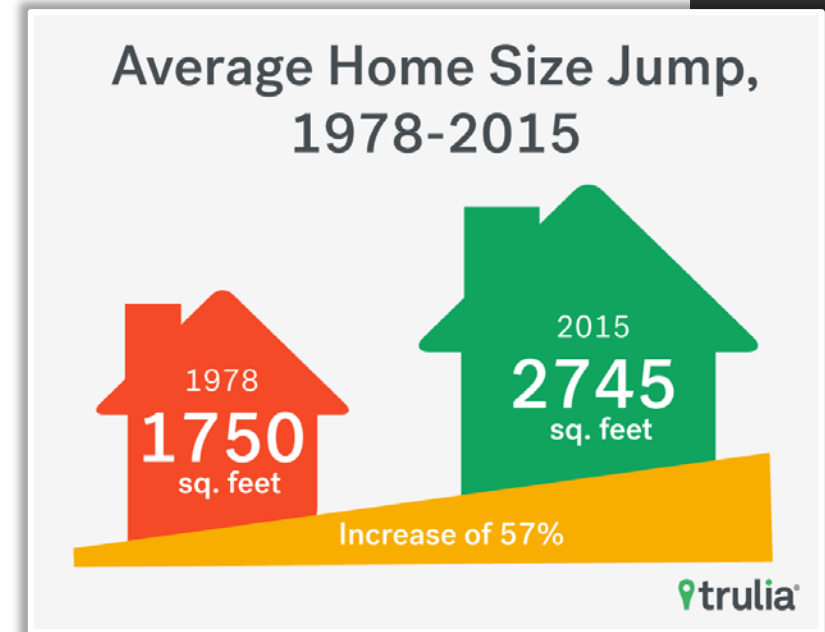


Source: <http://missingmiddlehousing.com/>

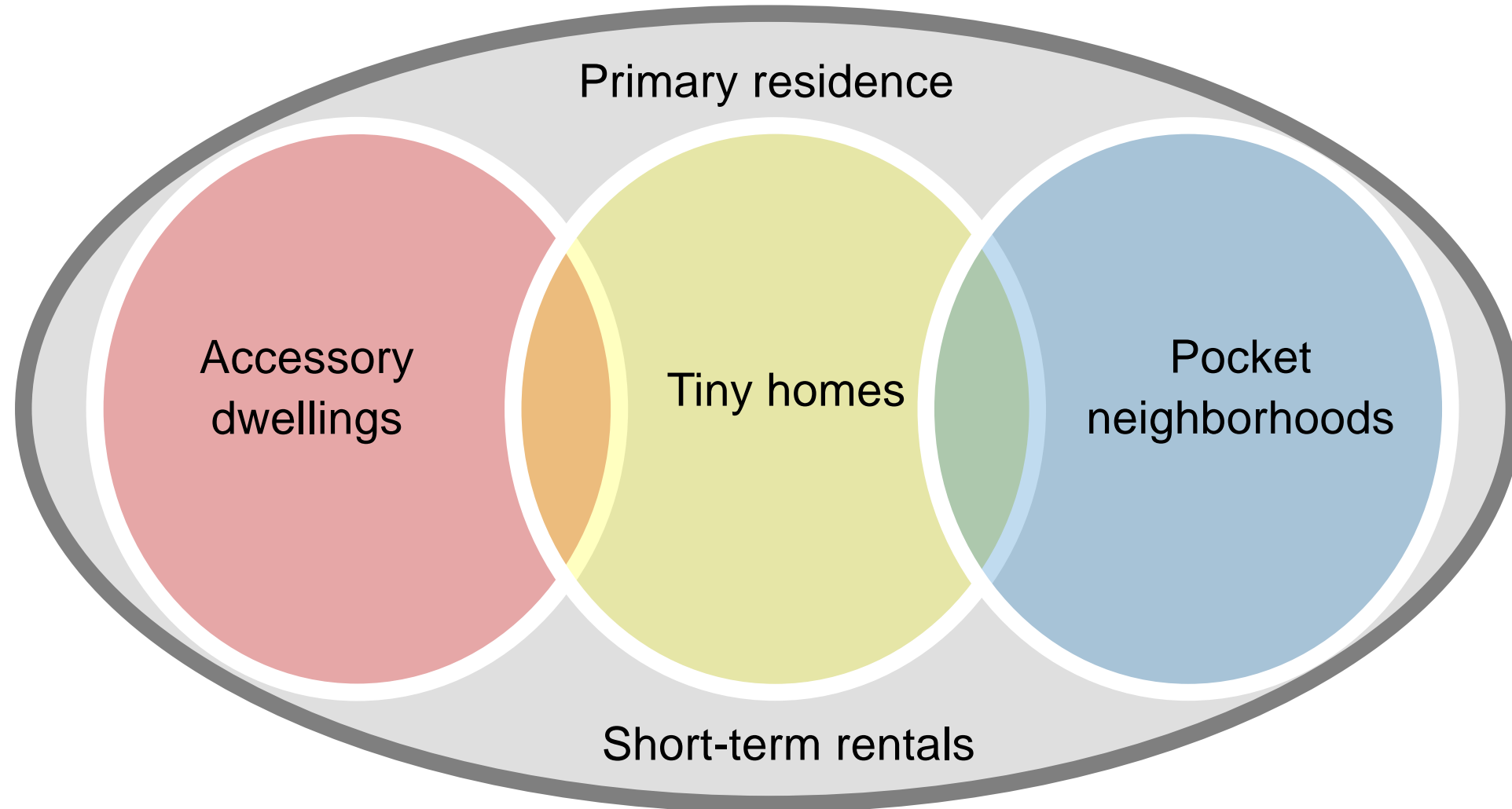
# Housing Demand

- Less than a third (32%) would choose a home the same size if they decide to move
- Of those in homes larger than 2,000 square feet, more would choose a smaller home if they decide to move (61% vs. 39%)
- More boomers (ages 55+) want to downsize than upsize (36% vs. 23%)
- Most millennials (ages 18 to 34) want to go big (46%)

*Source: Trulia survey*



# How are these uses related?



# Accessory Dwelling Units (ADUs)



# ADUs | Challenges

- Defining ADUs
  - Is it attached to the main dwelling or detached?
  - Does it have a kitchen?
- Occupancy
  - Can only family members live there?
  - Can it be rented?
- Use
  - Is it still a “single-family” use?
  - Can it be used for a home occupation?
- Dimensional standards
  - Is there a minimum size?
  - Is there a maximum size, or percentage of main building?





# ADUs | How should we regulate?

- Add as a use in the use chart
  - Allow by-right or by Special Use Permit
    - Easier city enforcement
  - Allow in large lot districts (reduces incompatibilities)
  - Allow in smaller lot area (accommodate older areas of town)
- ADU dimensional standards
  - Smaller than the main structure
  - 5' setbacks (maybe greater for alleys with ADU accessed by driveway)

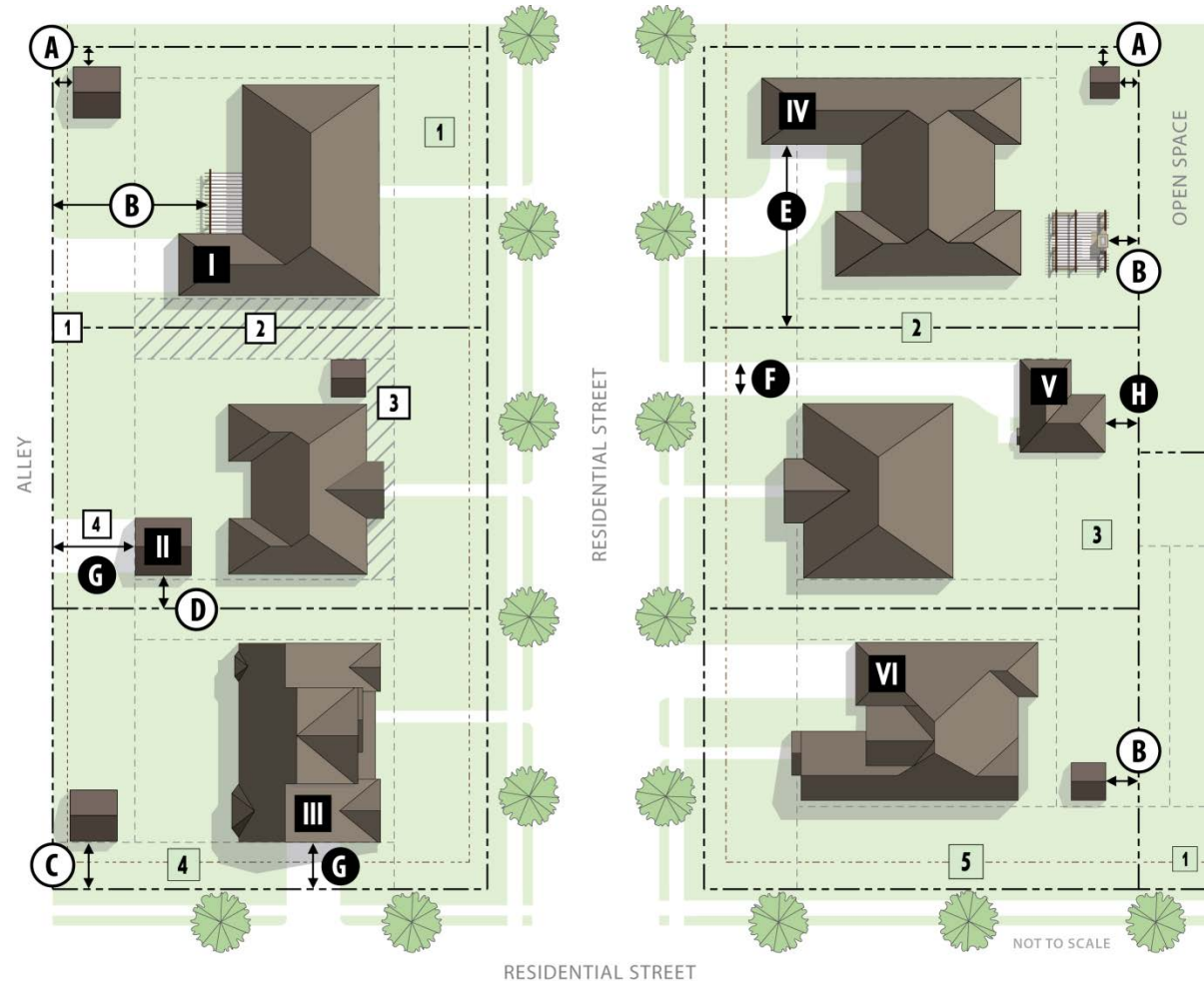
# ADUs | Frisco, Texas

- Guest House

- Accessory building used to house guests of the main residential structure
- Never rented

- Garage Apartment

- Dwelling unit built in conjunction with a garage when the main structure is an owner-occupied detached dwelling unit
- Can be rented



# Tiny Homes



Source: Brian Crabb, <http://www.vivacollectiv.com>

# Tiny Homes | What are they?

- Two types
  - Tiny homes on wheels (THOWs): More like an RV
  - Permanent foundation: Small house, subject to local zoning and building codes



Source: Amy Dinsmore,  
[tinyhouseofthesouth.com](http://tinyhouseofthesouth.com)



Source: Laura M. LaVoie,  
[tinyhousetalk.com](http://tinyhousetalk.com)



Migration Tiny Homes



Hamy, Stephanie Henschen



Nawaka, Shorty Robbins



Hummimbird Tiny Housing



Norsk Tiny Houses



Free Range Tiny Homes

Screenshot from <http://unitedtinyhouse.com>, Florida tiny house festival

# Tiny Homes | Why are they popular?

- Appealing to a wide range of people:
  - Higher income people
  - Lower income people or people leaving the traditional job market
  - Millennials who want “experiences” over “stuff”
  - People without children
  - Aging boomers
- Guest house, hunting cabin, vacation home
- Sustainable
- May be portable
- Disaster recovery
- Low income housing developments

# Tiny Homes | Challenges

- Development standards
  - Minimum dwelling size, minimum lot size, parking, building code
- Utilities
  - Well/rainwater and septic/composting vs. public utilities
- Distinguishing from manufactured homes and RVs
- Concern about construction safety/living conditions
- Many are off the radar of local governments
- No set rules yet

# Tiny Homes | THOW considerations

- Allowed in RV parks and campgrounds
- Usually under 400 sqft
  - Over 400 sqft = must meet HUD's standards
  - Smaller than 400 sqft = "art project built on a trailer"
  - 8'6" wide can travel on the highway (47' long)
  - 12' wide requires special permits and aren't moved as often (33' long)
- Oklahoma registration requirements:
  - No registration/license plate required for personal utility trailers, even on public highways
  - RVs require registration (same as a car)





# Tiny Homes | How should we regulate?

- Distinguish between THOWs vs. permanent foundation
- Primary dwelling? Accessory dwelling?
- Require utility connections?



Source: Pine Mountain Builders, [pmbldrs.com/](http://pmbldrs.com/)

# Tiny Homes | How should we regulate?

- THOWs:
  - Allow permanently or temporarily
  - Require American National Standards Institute (ANSI) compliance for RVs
  - Registration as an RV with Dept. of Public Safety
  - Require skirting
- Permanent foundation:
  - Consider modifying building code
  - Require porches, building materials and design consistent with any main structures

# Tiny Homes | Leander, Texas

- Created a Tiny House zoning district
- Defined as 140-700 sqft dwelling
- Statement of intent:
  - Buffer for SF homes, infill, or housing variety in a PD
  - Near grocery stores, restaurants, etc.
- Requirements:
  - Permanent foundation, but can be constructed on- or off-site
  - Minimum lot size of 700 sqft with 200 sqft of exterior open space per home
  - Can have more than one on a lot
  - Connect to utilities
  - Meet architectural requirements
  - Parking: 1 space

# Tiny Homes | Fresno, CA

THOWs allowed as an ADU subject to conditions:

1. Licensed and registered with the State DMV and meets ANSI requirements;
2. Towable by a hitch but does not move under its own power;
3. The wheels and undercarriage shall be skirted;
4. No larger than allowed by State Law for movement on public highways;
5. At least 100 square feet of first floor interior living space;
6. Detached self-contained unit which shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; and
7. Designed and built to look like a conventional building structure by meeting design criteria of the ordinance.

# Tiny Homes | Spur, Texas

- Nation's first “tiny home-friendly community”
- Requirements:
  - Must connect to city water/sewer (no composting) and electricity
  - Must be on a foundation or parked on a concrete pad with wheels removed
  - Must have a driveway and an address
  - Designs must be submitted for review, pass inspection by building official
  - Variance from Council is required in certain subdivisions

# Tiny Homes | Oklahoma City

- Not many regulations in place, but coming soon
- THOWs currently require “campground” zoning, but evaluating practices
- Updating building code soon to allow homes possibly as small as 200 sqft
- Updating zoning next

# Pocket Neighborhoods



Source: Ross Chapin Architects, <http://rosschapin.com>

# Pocket Neighborhoods | Overview

- What are they?
  - Medium-sized homes oriented toward a common green space instead of a street
- Why are they popular?
  - Neighborhood atmosphere
  - Safe feeling
  - HOA maintenance of common green space



# Pocket Neighborhoods | Challenges

- Shared open space
- Less privacy
- Higher density
- Access to a public ROW
- Fire/emergency access

# Pocket Neighborhoods | Danielson Grove, Washington

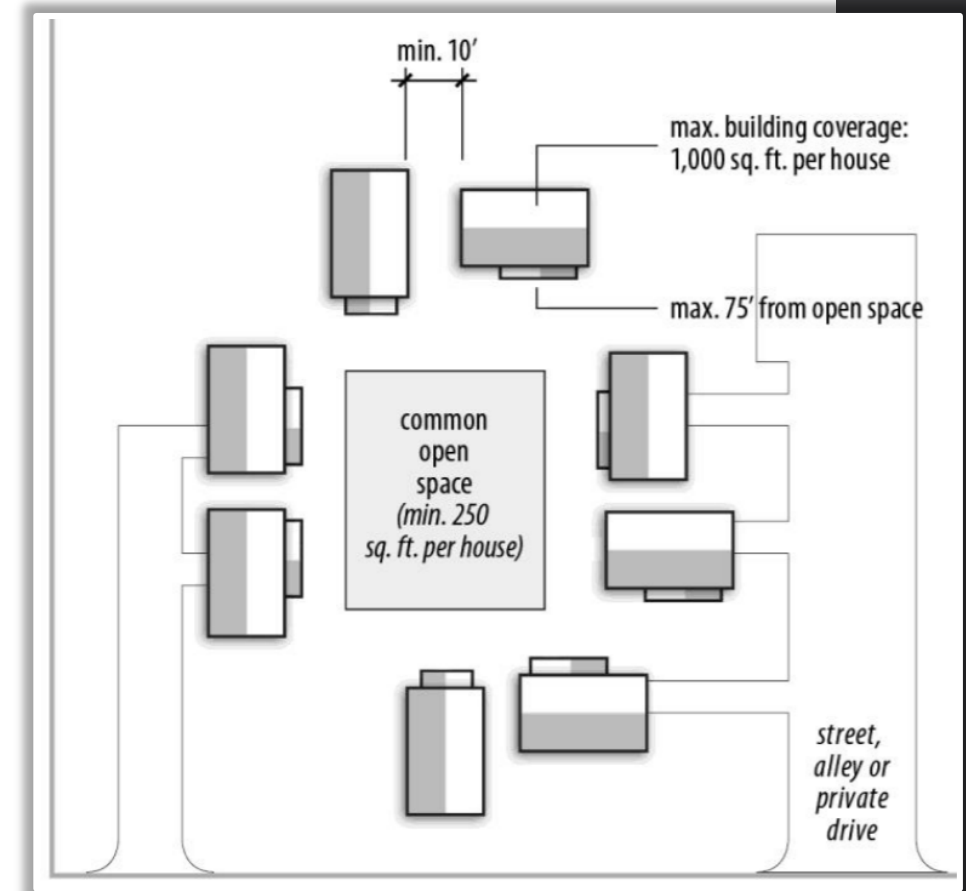
- Requirements:
  - SF, duplexes or triplexes designed to look like SF homes
  - 4-24 units with required porch
  - Total floor area cannot exceed that of traditional development on the site
  - Maximum GFA 1,000-1,500 sqft, modified setbacks
  - 400 sqft of common open space per unit, 300 sqft of private open space
  - Parking: 1-2 spaces based on dwelling size, no more than 6 together
  - Lots may be subdivided, condos, or single owner for rental properties

# Pocket Neighborhoods | Buda, Texas

- “Innovative residential” as a use in the use chart
- Requires Planning & Zoning Commission approval
- Not allowed in AG or Rural Estate districts
- Requirements:
  - 6-20 homes with required porch
  - 1,800 sqft maximum dwelling size
  - No minimum lot area, but 12 DUA maximum
  - Front a common area of 400 sqft per home
  - Sidewalk connections, rear vehicular access

# Pocket Neighborhoods | Tulsa, Oklahoma

- “Cottage house developments”
- Requirements:
  - 4-10 homes
  - 250 sqft of common open space per house
  - Maximum footprint of 1,000 sqft
  - Must meet all dimensional standards, except no setback is required from an alley



Source: Tulsa zoning code

# Short-Term Rentals



# Short-Term Rentals | Overview

- What are they?
  - Traditional bed & breakfasts
  - Airbnb, VRBO (Vacation Rentals By Owner), HomeAway
- Why are they popular?
  - Different experience
  - Locations without hotels
  - Sometimes lower cost
  - Sometimes more amenities available



Airbnb screenshot, 9/6/2017

# Short-Term Rentals | Challenges

- Is it a single-family residential use?
- Is it the whole house, part of the house, or a separate unit?
- Is the owner on the property?
- Are hotel taxes collected?
- Are there complaints from neighbors (transients, noise, traffic)?
- Is there limited housing availability?

# Short-Term Rentals | Austin, Texas

- Requires a license (insurance, hotel tax payments)
- Two types of licenses:
  - Owner-occupied (SF, TF, MF) – Primary, secondary, or partial
  - Not owner-occupied (MF)



# Short-Term Rentals | Buda, Texas

- A use in the use chart with conditions
- Permit required (no outstanding issues)
- Annual report to the City:
  - Number of nights rented, hotel tax payments, insurance
- City reserves the right to revoke permit at the director's discretion
- Considered whether the owner must be present, but ultimately did not include in the code

# Conclusions

# What else should my city consider?

- Housing demand and projected population growth
  - Accommodate growth without traditional apartments
  - Accommodate young professionals and seniors aging-in-place
  - Meet demand for infill, temporary homes, or affordable housing
- Impacts on single-family neighborhoods and appropriate locations
- Community's vision

# Summary of Helpful Resources

- ADUs: Fort Worth, TX; Frisco, TX
- Tiny houses: Fresno, CA; Leander, TX; Spur, TX;
  - American Tiny House Association <http://americantinyhouseassociation.org/>;
  - A Government's Guide to Tiny House Regulation <http://www.viewpointcloud.com/blog/local-government-resources/governments-guide-tiny-house-regulation/>
- Pocket neighborhoods: Buda, TX; Danielson Grove, WA; Tulsa, OK
  - Ross Chapin's "Pocket Neighborhoods: Creating Small-scale Community in a Large-scale World"
- Short-term rentals: Austin, TX; Buda, TX

# Q&A and Discussion

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