

**AMENDING ZONING ORDINANCES TO CREATE A T-1 ZONING DISTRICT AND ALLOW TINY HOMES**

**WHEREAS**, there are City of Hanceville Zoning Ordinances; and

**WHEREAS**, small residential structures, or "Tiny Houses" or "Tiny Homes", have increased in popularity and are recognized as a cost-effective housing option; and

**WHEREAS**, due to their size, it is reasonable to provide zoning code and building code flexibility to incentivize the construction of Tiny Houses; and

**WHEREAS**, the City Council finds it in the public interest to promote housing choice through available regulatory tools and regulations of Tiny Homes within the City of Hanceville, Alabama; **THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HANCEVILLE, ALABAMA, AS FOLLOWS:**

**Section 1.** Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through 11-52-84, Code of Alabama, 1975, as amended, Zoning Ordinances of the City of Hanceville, Alabama, are hereby amended as follows:

**Section 1.** There is hereby created and established Zoning Districts in the City of Hanceville, Alabama designated as T-1 Districts.

1.1. These Districts are composed of areas supporting Planned Pocket Neighborhoods for Tiny Homes.

1.2. The building requirements, site plats, lot dimensions, set backs and other requirements for the T-1 Districts are provided in this Ordinance.

**Section 3.** This amendment shall be applicable to tiny houses used as single dwelling units providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and placed on a permanent foundation. Tiny houses shall comply with this code except as otherwise stated in this amendment.

**Section 4.** Definitions :

- 4.1. **Building Official:** The Fire Marshall, Code Administrator, Code Enforcement Officer or other designated inspection authority of the City.
- 4.2. **City.** City of Hanceville, Alabama.
- 4.3. **City Council.** City Council Hanceville, Alabama.
- 4.4. **Common Access Route/Internal Street.** Private drive allowing principle means of access to individual Tiny Houses.
- 4.5. **Driveway:** Minor entrance way of the common access route, into an off street parking area serving one or more Tiny Houses.
- 4.6. **Landing platform.** A landing measuring two treads deep and two risers tall, provided as the top step of a stairway or ladder accessing a loft.
- 4.7. **Loft.** A floor level located more than 30 inches directly above the main floor and open to the main floor on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space. The total area of all lofts shall not exceed 40 percent of the floor area.
- 4.8. **Lot Area.** Lot area is the area included within the rear, side and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies, and may require larger lots than those required for an individual building type. For any lot developed with a Detached House or Tiny House used for Single-unit Living.
- 4.9. **Permit:** Written permit and or application issued by the City of Hanceville permitting the placement, construction, alteration or extension of a Tiny Home under the provisions of this Ordinance and regulations issued hereunder.
- 4.10. **Person:** Any natural individual, firm, trust, partnership, association or corporation.
- 4.11. **Room:** A part of the inside of a building that is divided from other areas by walls and a door and that has its own floor and ceiling.
- 4.12. **Tiny House/Tiny Home:** A site built or installed detached compliant structure on a permanent foundation built and designed to resemble a single-family home for permanent year round occupancy by one household with functional areas that support normal daily routines including cooking, sleeping and sanitation that has a square footage of between 350 to 900 square feet in floor area excluding lofts, and does not include recreational vehicles, manufactured homes, or shipping containers.

## **Section 5. Applicability**

5.1. This ordinance shall apply to all tiny houses installed, constructed, or modified after the effective date of this Ordinance.

5.2. Tiny Houses in place before the effective date of this ordinance shall not be required to meet the requirements of this ordinance unless replacement, alteration, or expansion of home thereon is requested.

5.3. It is strongly recommended that anyone considering a Tiny House should first review any applicable neighborhood covenants.

#### **Section 6. Regulations for Tiny houses.**

6.1. Floor Area. Each dwelling unit shall have a minimum gross floor area of not less than 350 square feet for the first two occupants and not less than 100 square feet for each additional occupant.

6.2. Required space in sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

6.3. Minimum ceiling height. Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven (7) feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof.

6.4. Structure width. The minimum width of a tiny home must be at least 12 feet, with a maximum of 20 feet.

6.5. Toilet facilities. Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

6.6. Kitchen. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

6.7. Sewage disposal. Plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system as otherwise provided by other ordinances requiring, where capable, to the sewer system of the City.

6.8. Water supply to fixtures. Plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs and washing machine outlets shall be provided with hot and cold water.

6.9. Lofts.

6.9.1. Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements herein.

6.9.2. Minimum area. Lofts shall have a floor area of not less than 35 square feet.

5.9.3. Minimum dimensions. Lofts shall be not less than 5 feet in any horizontal dimension.

6.9.4. Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet 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 from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

6.10. Loft access. The access to and primary egress from lofts shall be any type described herein.

6.10.1. Stairways. Stairways accessing lofts shall comply as follows:

6.10.1.1. Width. Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches.

6.10.1.2. Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured vertically from a sloped line connecting the tread or landing platform nosings in the middle of their width.

6.10.1.3. Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches and not more than 12 inches in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

6.10.1.3.1. The tread depth shall be 20 inches) minus  $\frac{4}{3}$  of the riser height.

6.10.1.3.2. The riser height shall be 15 inches minus  $\frac{3}{4}$  of the tread depth.

6.10.2. Ladders. Ladders accessing lofts shall be permanently attached to the loft structure by a device that prevents movement during use. Attachment shall not be accomplished by use of toenails or nails subject to withdrawal.

6.10.2.1. Size and capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches and rungs shall be spaced with 10 inches minimum to 14 inches maximum spacing between rungs. Floor decking of lofts accessed by ladders shall be no more than  $8\frac{1}{2}$  feet

above the main level floor. Ladders shall be capable of supporting a 350 pound load on any rung. Rung spacing shall be uniform within 3/8-inch.

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

6.10.3. Ships ladders. The clear width at and below handrails shall be not less than 20 inches.

6.11. All homes must have both front and rear porches.

6.11.1. Porches shall covered and be oriented towards common open space or street and designed to provide a sense of privacy between units.

6.11.2. Porch shall be a minimum of (80) eighty square feet and a minimum of (8') eight feet deep on the common open space side of the building. The square footage of the porch may be reduced to (60) sixty square feet (six by ten feet deep) on units less than six hundred total gross square feet.

6.11.3. Secondary entrances facing the parking and sidewalk are required to have a minimum five-by-five-foot porch.

6.12. Tiny Houses constructed on trailer frames are not permitted. Tiny Houses constructed on skids are not permitted. Tiny Houses are required to be secured to a permanent foundation. No shipping containers or modified storage buildings may be uses as a Tiny House.

6.13. Exterior Appearance Single Family in Character.

6.13.1. Tiny Homes shall be finished on all sides with wood panel siding, vinyl siding, masonry, brick or stone veneer siding, stucco finish siding, other architecturally-finished veneer, or with other similar types of siding as approved by the City. Tiny Homes shall also have premanufactured insulated residential grade exterior doors, premanufactured insulated residential grade windows, and residential style/type roofing materials. Tiny Homes shall not have fiberglass or aluminum siding or aluminum roofing materials.

6.13.2. Compatibility With Neighborhood.

6.13.2.1. The owner of the property on which a Tiny Home is proposed to be located shall provide evidence that the Tiny Home is compatible in style with nearby principal residences in the neighborhood. Design features indicative of single-family residential style include the following:

6.13.2.1.1. More than one type of exterior siding listed above on a single side in an integrated manner;

- Exterior accessories, such as permanent shutters, fixed sunshade
- Devices or gutters/downspouts;

- Pitched roofing (3:12 pitch or steeper);
- Dormers;
- Premanufactured skylights;
- Built-in porch or deck;
- Exterior residential light sconces or downcans; or
- Other features as otherwise approved by the City.

5.14. No tiny house may be erected or installed without a prior permit and shall meet all requirements of the City's building ordinance.

#### **Section 7. Planned Pocket Neighborhood.**

7.1 A tiny home will be permitted within a planned pocket neighborhood. A pocket neighborhood is defined as meeting the following requirements:

7.1.1. A minimum of 4 tiny homes and maximum of 12 tiny homes per pocket neighborhood.

7.1.2. Centralized common area. The common open space area shall include usable public spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all homes having access to it.

7.1.2.1. Four hundred square feet of common open space is required per unit.

7.1.2.2. Fifty percent of units must have their main entry on the common open space.

7.1.2.3. All units must be within five feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.

7.1.2.4. The principal common open space must be located centrally to the project. Additional common open space can only account for twenty-five percent of the total requirement with trails and pathways connecting the total development. Passive trails are allowed and may count towards the common open space requirement.

7.1.2.5. Community buildings or clubhouses can be counted towards the common open space calculation.

7.1.2.6. Tiny Houses must surround the common open space on a minimum of two sides of the green.

7.1.2.7. Common open space shall be located outside of stormwater/

detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.

7.2. Maintenance of open space and utilities. Before approval is granted, the applicant shall submit covenants, site plans and homeowners' association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from the Planning Commission that they comply with the requirements of this chapter prior to approval. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the Probate Judge as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners' association may be recorded simultaneously with the filing of the final plat.

7.3. Pocket neighborhood communities must be part of a condo or homeowners association to maintain the common areas.

7.4. Adequate fire hydrant protection at the expense of the developer is required as defined by the Fire Department.

7.5. All pocket neighborhoods shall require adequate access in-between neighborhoods and to all units.

#### **Section 8. Lot Requirements.**

8.1. Area - The minimum lot area per dwelling unit shall be of (1,200) Twelve Hundred square feet. Maximum lot area per dwelling unit shall be (3,000) Three thousand square feet. Maximum lot coverage 40% for structure, porches and drives 30%.

8.1.1. Width - Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.

8.1.2. Depth - Minimum length per lot 50 feet. Maximum length per lot 100 feet.

8.1.3. Sidewalks, paved driveways, and underground utilities are required.

#### **8.2. Setbacks.**

8.2.1. Front setback: shall be twenty feet to be used for front porch and parking.

8.2.2. Rear or next to common area the setback shall be five feet for the construction of a rear porch.

8.2.3. Side Setbacks: The side setbacks shall be a minimum of 5 feet. If the side setback adjoins public open space, these setback requirements may be reduced by an amount equal to the distance from the property line to the centerline of the open space.

8.2.4. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five feet to any structure on an adjacent lot.

8.2.5. Foundations. A tiny home shall be installed on a permanent foundation.

**Section 9. Zoning, Location and permit processing.**

9.1. Tiny Houses can only be located in Zoning Districts: T1.

9.2. It is illegal to occupy a newly constructed Tiny House without first obtaining a Certificate of Occupancy from the Building Department.

9.3. Tiny homes are prohibited in areas that are constrained by water availability, water quality, sewage disposal or other health and safety concerns.

9.4. Applications for a tiny home shall include a site design plan demonstrating compliance with the development standards provided in this chapter, and processed in accordance with other ordinances,

9.5. Approval requirements.

9.5.1. An application for a tiny home shall be approved if it complies with all of the following, as applicable:

9.5.2 All applicable laws and regulations related to flood control, seismic safety, and health and safety including, but not limited to, fire and building code regulations.

9.5.3. Required approvals are obtained from the applicable water and sewer purveyor(s).

**Section 10. Repeal.** Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provisions heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.



**Section 11. Effective Date.** Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective immediately after publication following final passage.

**Section 12. Interpretation, Separability**

12.1. All other portions, parts and provisions of the Zoning Ordinance of the City of Hanceville, as heretofore enacted and amended, shall remain in force and effect.

12.2. If any parts of this Ordinance conflicts with any other applicable federal, state, or local regulation, the more restrictive regulation shall control.

12.3. If any section, clause, portion or provision of this Ordinance is found unconstitutional, such invalidity shall not affect any other portion of this Ordinance.

ADOPTED AND APPROVED THE 11<sup>th</sup> DAY OF MAY, 2023.

  
KENNETH NAIL, Mayor

Attest:

