

**ORDINANCE NO. 301-5-9-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST TAWAKONI, TEXAS, AMENDING PLANNING AND ZONING CHAPTER 12 ARTICLE 3 OF THE PLANNING AND ZONING ORDINANCE – REFERRING TO THE ZONING DISTRICTS ESTABLISHED RELATING TO THE USE AND DEVELOPMENT OF TINY HOUSE PARKS IN PLANNED DEVELOPMENT DISTRICT AND AMENDING SINGLE FAMILY-4 (SF-4) TO ALLOW A SINGLE-FAMILY DWELLING DISTRICT FOR MINIATURE HOUSING (TINY HOUSE), AND AMENDING MANUFACTURED HOUSING (HUD CODE) PARK DISTRICT (MH) TO ALLOW A SINGLE-FAMILY DWELLING DISTRICT FOR MINIATURE HOUSING (TINY HOUSE), AND AMEND THE DEFINITION OF TINY HOUSE IN CHAPTER 12 ARTICLE 12 - DEFINITIONS; ADOPTING DEVELOPMENT REGULATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of West Tawakoni, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of West Tawakoni, Texas have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the Zoning Map of the City of West Tawakoni, Texas, as previously amended, should be further amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST TAWAKONI, TEXAS, THAT:**

**SECTION 1. CHANGE OF ZONING CLASSIFICATION**

The Zoning Map of the City of West Tawakoni, Texas and Chapter 12 Article 3 – Zoning Districts Established, as previously amended, be further amended relating to the use and development of Tiny House Parks in Planned Development District including a use for Single-Family Dwelling District for Miniature (Tiny House) subject to the development and use regulations set forth in Section 2 of this Ordinance. The Zoning Map of the City of West Tawakoni, Texas and Chapter 12 Article 3 – Zoning Districts Established, as previously amended, be further amended relating to the use and development of Tiny House in Single Family-4 (SF-4) and Manufactured Housing (HUD CODE) Park District (MH) to include a Single-Family Dwelling District for Miniature Housing (Tiny House) subject to the development and use regulations set forth in Section 3 of this Ordinance.

## SECTION 2. LAND USE AND DEVELOPMENT STANDARDS FOR TINY HOUSE PARK.

The Property shall be developed and used in accordance with the applicable provisions of the Planned Development District as set forth in Code of Ordinances, Chapter 12, as amended, (“Zoning Districts Established”) except to the extent modified as follows:

- A. “Tiny House Park”: For purpose 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 designated on the Development Plan (hereafter “Pads), along with common areas and open spaces area established, on which pads privately owned Tiny Houses may be placed.
- B. Development Plan: The arrangement of the Pads and Tiny Houses on the Property herein by reference (“Development Pan”).
- C. “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 three hundred (300) square feet and no greater than seven hundred (700) square feet, with said dwelling being 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 on the Property shall be subject to the following:
  1. **Minimum Unit Size**: Each Tiny House shall have a minimum gross floor area of not less than three hundred (300) square feet excluding loft.
  2. **Minimum Sleeping Room Size**: In every Tiny House of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least thirty-five (35) square feet of floor space.
  3. **Width**: Each Tiny House must measure not less than seven and one-half feet (7.5’) and greater than twelve feet (12’) in width.
  4. **Depth**: Each Tiny House must measure not less than forty feet (40’) in length and not greater than sixty feet (60’) in length.
  5. **Construction Standards**: In addition to the regulations set forth in this Ordinance, every Tiny House located on the Property, whether constructed on the Property on a permanent foundation or constructed off-site and transported to the Property and placed on a permanent foundation, shall, at the time of application for a building permit or and certificate of occupancy, be constructed in accordance with:
    - a. All construction codes relating to residential dwelling units enacted by the City of West Tawakoni, 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), as may be amended from time to time, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

6. **Foundation Platforms:** Tiny Houses located on the Property shall be constructed with one of the following foundation platforms:
    - a. 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.
    - b. Recreational vehicles, manufactured homes and mobile homes, as defined in the Zoning Regulations shall be prohibited as dwelling units within the Tiny House Park.
  7. **Pad Requirements:**
    - a. **Area:** Each pad shall have an area of not less than eight hundred (800) square feet and not greater than one thousand five hundred (1,500) square feet.
    - b. **Coverage:** Maximum coverage of a Tiny House located on a Pad shall not exceed forty-five percent (45%) of the pad area. Porches and other additions to the Tiny House shall not exceed twenty percent of the pad area.
    - c. **Width:** Each Pad shall not be less than seventy feet (70') wide.
    - d. **Depth:** Each Pad shall be not less than one hundred fifty feet (150') in depth.
  8. **Setbacks:**
    - a. Common parking areas and adjoining property lines: When located on a pad, a Tiny House shall be setback not less than five feet (5') from any common area designated and used for parking and 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') beyond the foregoing setback.
    - b. Common areas and adjoining pads: When located on a pad, a Tiny House shall be setback not less than ten feet (10') from the common line between said pad and an adjacent pad.
    - c. The Tiny House must be set with the front door facing the Street and must have the 911 address numbers on the front of the building.
- D. **Amenities for Tiny House Park:** The Tiny House Park shall contain the following common area amenities and facilities, all of which shall be completed and made operational prior to the issuance of the initial Certificate of Occupancy (CO) for the first Tiny House to be located on the Property:
1. A centralized common open space area shall be provided substantially as shown on the Development Plan and shall include a public lawn, communal vegetable garden, patios, plazas, picnic areas and related furniture and equipment, and scenic viewing areas.
  2. Common open space area shall be provided at a ratio of not less than two hundred (200) square feet of open space per each pad developed on the Property.
  3. All Tiny Houses shall be adjoining the perimeter boundary of the designated common open space area.
  4. The common open space area shall not be located inside a storm water detention /retention area, wetland, stream, floodway, or required landscaped buffer area.

5. A self-service laundry facility (washateria) shall be provided within the Property for the exclusive use of the residents of the Tiny House Park.
6. Small storage buildings, with the maximum size of eight feet (8') by six feet (6'), and seven feet (7') in height, shall be permitted.
  - a. No more than one such storage building shall be permitted per dwelling.
  - b. The storage building shall be painted and finished in a similar color, wall texture, and materials as used on the Tiny House located on the pad where the storage building is located to collectively present a unified visual appearance with the associated Tiny House.
  - c. A storage building may be located on a pad site only when there is a Tiny House located on the same pad site;
  - d. The storage building must be located adjacent to the rear line of the pad site opposite the parking area within the property.
  - e. A building permit shall be required for each storage building constructed.
  - f. A wood fence, six foot (6') high on the sides and in the back or if a corner lot four foot five foot (5') high in the back and on the non-street side, painted and finished in a similar color and surface texture to collectively present a unified visual appearance, shall be permitted within the landscaped buffer.

**E. Access and Parking:**

1. Parking spaces shall be provided at a ratio of not less than two (2) spaces for each pad developed on the property.
2. All designated parking areas shall be paved with a decomposed gravel or coarse gravel surface with a minimum depth of six-inches (6") spread across a compacted and stabilized sub base as approved by the City Engineer, or designee, with such approval to be secured in writing prior to the issuance of a building permit or certificate of occupancy for the first Tiny House located on the Property.
3. All designated fire lanes shall be paved in either concrete, asphalt, or with a cellular paving grid system with a grass sod cover (grass-crete type) engineered to accommodate the weight of a 65,000-pound fire truck and associated apparatus. Said paving grid system shall be installed upon a compacted and stabilized sub base as approved by the City Engineer, or designee, with such approval to be secured in writing prior to the issuance of a building permit or certificate of occupancy for the first Tiny House located on the property.

**F. Screening and Fencing:** Prior to issuance of the first certificate of occupancy for any building constructed on the property (whether a Tiny House or other building), a hedgerow of evergreen shrubs, of a variety that will normally grow to a height of six feet (6') or greater, shall be planted along all property lines of the property, save-and-except for driveways and access openings subject to the following:

1. All plants shall have a minimum height at the time of planting of one-half of the required screening height, and shall be irrigated by means of a sprinkler system, or other water system adequate to sustain the health of said evergreen shrubs as determined by the City Engineer or designee.

- G. **Tiny House Maintenance.** All Tiny Houses and the pads shall be maintained in accordance with all applicable property maintenance regulations adopted by the city. Skirting, porches, awnings and other additions, when installed on a Tiny House, shall be maintained in good repair.
- H. **Certificate of Occupancy Required:** No Tiny House constructed or placed on the property may be occupied as a dwelling unit or for any other purpose until a certificate of occupancy has been granted by the city authorizing commencement of the Tiny House for such use. The foregoing sentence shall apply whether or not a building permit is required to be issued and with respect to construction of the Tiny House.

**SECTION 3. LAND USE AND DEVELOPMENT STANDARDS FOR TINY HOUSE AMENDING SIGLE FAMILY -4 (SF-4) DISTRICT.** The Property shall be developed and used in accordance with the applicable provisions of the Single Family – 4 (SF-4) District as set forth in Planning and Zoning Ordinance, Chapter 12 Article 3, as amended, (“Zoning Districts Established”) except to the extent modified as follows:

- A. “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 three hundred (300) square feet and no greater than seven hundred (700) square feet, with said dwelling being 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 on the Property shall be subject to the following:
1. **Minimum Unit Size:** Each Tiny House shall have a minimum gross floor area of not less than three hundred (300) square feet excluding loft.
  2. **Minimum Sleeping Room Size:** In every Tiny House of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least thirty-five (35) square feet of floor space.
  3. **Construction Standards:** In addition to the regulations set forth in this Ordinance, every Tiny House, whether constructed on the Property on a permanent foundation or constructed off-site and transported to the Property and placed on a permanent foundation, shall, at the time of application for a building permit or and certificate of occupancy, be constructed in accordance with:
    - a. All construction codes relating to residential dwelling units enacted by the City of West Tawakoni, 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), as may be amended from time to time, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.
- B. **Foundation Platforms:** Tiny House located on the Property shall be constructed with one of the following foundation platforms:

- a. 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.
- C. **Tiny House Maintenance.** All Tiny Houses and the pads shall be maintained in accordance with all applicable property maintenance regulations adopted by the city. Skirting, porches, awnings and other additions, when installed on a Tiny House, shall be maintained in good repair.
- D. **Certificate of Occupancy Required:** No Tiny House constructed or placed on the property may be occupied as a dwelling unit or for any other purpose until a certificate of occupancy has been granted by the city authorizing commencement of the Tiny House for such use.

**SECTION 4. LAND USE AND DEVELOPMENT STANDARDS FOR TINY HOUSE AMENDING MANUFACTURED HOUSING (HUD Code) PARK DISTRICT (MH).** The Property shall be developed and used in accordance with the applicable provisions of the Manufactured Housing (HUD Code) Park District (MH) as set forth in Planning and Zoning Ordinance, Chapter 12 Article 3, as amended, (“Zoning Districts Established”) except to the extent modified as follows:

- A. “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 three hundred (300) square feet and no greater than seven hundred (700) square feet, with said dwelling being 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 on the Property shall be subject to the following:
  - 1. **Minimum Unit Size:** Each Tiny House shall have a minimum gross floor area of not less than three hundred (300) square feet excluding loft.
  - 2. **Minimum Sleeping Room Size:** In every Tiny House of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least thirty-five (35) square feet of floor space.
  - 3. **Construction Standards:** In addition to the regulations set forth in this Ordinance, every Tiny House, whether constructed on the Property on a permanent foundation or constructed off-site and transported to the Property and placed on a permanent foundation, shall, at the time of application for a building permit or and certificate of occupancy, be constructed in accordance with:
    - a. All construction codes relating to residential dwelling units enacted by the City of West Tawakoni, 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), as may be amended from time to time, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.
- B. **Foundation Platforms**: Tiny House located on the Property shall be constructed with one of the following foundation platforms:
  - a. 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.
- C. **Tiny House Maintenance**. All Tiny Houses and the pads shall be maintained in accordance with all applicable property maintenance regulations adopted by the city. Skirting, porches, awnings and other additions, when installed on a Tiny House, shall be maintained in good repair.
- D. **Certificate of Occupancy Required**: No Tiny House constructed or placed on the property may be occupied as a dwelling unit or for any other purpose until a certificate of occupancy has been granted by the city authorizing commencement of the Tiny House for such use.

**SECTION 4. CONFLICTS.** To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of West Tawakoni 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 with in respect to development of the property, 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 5. SEVERABILITY CLAUSE.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the City of West Tawakoni 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 City of West Tawakoni Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 6. SAVINGS CLAUSE.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of West Tawakoni Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7. 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 (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately after its passage and publishing in the city’s official newspaper.

**PASSED AND APPROVED THIS FIRST READING: \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**PASSED AND APPROVED THIS SECOND READING: \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

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**Jim Turnipseed – Mayor**

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**Kim Cowley – City Secretary**



**EXHIBIT “A”**  
**APPENDIX Q**  
**TINY HOUSES**

**SECTION AQ101 GENERAL**

**AQ101.1 Scope.** This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix

**SECTION AQ102 DEFINITIONS**

**AQ102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings, shown herein. Refer to Chapter 2 of this 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 of Section 310.2.

**LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a loft.

**LOFT.** A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet and 8 inches (2032 mm) used as a living or sleeping space.

**TINY HOUSE.** A dwelling that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding lofts.

**SECTION AQ103 CEILING HEIGHT**

**AQ103.1 Minimum ceiling height.** Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

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

**SECTION AQ104 LOFTS**

**AQ104.1 Minimum loft area and dimensions.** Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1 through AQ104.1.3.

**AQ104.1.1 Minimum area.** Lofts shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

**AQ104.1.1.2 Minimum dimensions.** Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**AQ104.1.3 Height effect on loft area.** Portions of a loft with a sloped 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 units vertical in 12 units horizontal (50-percent slope), portions of a loft with a sloped 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 of the loft.

**AQ104.2. Loft access.** The access to and primary egress from lofts shall be of any type described in Sections AQ104.2.1 through AQ104.2.4.

**AQ104.2.1. Stairways.** Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 THROUGH AQ104.2.1.5.

**AQ104.2.1.1 Width.** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

**AQ104.2.2 Headroom.** The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

**AQ104.2.1.3. Treads and risers.** Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser heights shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

**AQ104.2.1.4 Landing platforms.** The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

**AQ104.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.

**AQ104.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R311.7.8

**AQ104.2.2 Ladders.** Ladders accessing loft shall comply with Sections AQ104.2.1 through AQ104.2.2

**AQ104.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

**AQ104.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**AQ104.2.3 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).

**AQ104.2.4 Ship's ladders.** Ship's ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

**AQ104.2.5 Loft Guards.** Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

## **SECTION AQ105 EMERGENCY ESCAPE AND RESCUE OPENINGS**

**AQ105.1 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 such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of section R310.2.1.