

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT OF JANUARY 10, 2017 MINUTES
- V. NEW BUSINESS
 - a. Flume Properties
 - b. Tiny Homes
- VI. ADJOURN

POSTED 2/10/16

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
January 10, 2017**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede – a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:30 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Jeffrey Larson, Frank Freer, Amy Krueger
COMMISSIONERS ABSENT: Lauri Jordan, Ed Vita
Commission Vice Chair Freer, presiding, declared a quorum present:
Those members of staff also present were as follows: Clyde Dooley, Town Manager
Randi Snead, Town Clerk

AGENDA

Commissioner Krueger moved and Commissioner Larson seconded to approve the agenda as presented. The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

CONSENT OF DECEMBER 13, 2016 MINUTES

Commissioner Freer moved and Commissioner Krueger seconded to approve the December 13, 2016 minutes as amended. There were two yes votes and one abstention (Larson). Commission Vice Chair Freer declared the motion carried.

NEW BUSINESS

COURTHOUSE REMODEL/REPLAT

Manager Dooley presented a draft of the Boundary Line Agreement that was being considered by property owners in order to correct boundary deficiencies from Town Hall to the Courthouse. He will keep the Commission updated on the progress of that project.

FLUME

Manager Dooley informed the commission that the scope of work required to get the contract with DOLA underway was nearly complete, and that construction will begin in the summer of 2018.

TINY HOMES

Tiny homes and various considerations for regulating them were discussed at length. No specific recommendations were made, but direction was established for continuing the conversation at the February 14, 2017 meeting.

RIO GRANDE R-O-W

Strategies for evaluating use of the remaining right of way were discussed at length. Commissioner Freer moved to recommend that the Board of Trustees allocate funds to survey the length of the right of way from Fifth Street to Highway 149. The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Freer moved and Commissioner Vita seconded that the meeting be adjourned at 6:35 p.m. The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

Respectfully submitted:

/Randi Snead/

Randi Snead, City Clerk/Treasurer

DRAFT

Flume Properties

2/10/2017

Creedmoor		Property Owner(s)	Property
Block	Lot(s)		
15	5,6,7	Inge	Lots 3,4, 5,6,7 & N 24'of 2ND ST ADJ Lot 7 Blk 15
24	1 - 12	Inge & CRT	Inge = 6 thru 12 , Blk 24; CRT = 2 thru 5 , Blk 24
24	16 - 22	Creede/Madison, Ramble House Inge, Quiller, Augur, Hicks	CM N18'Lot 22 ; Ramble S7'Lot 22 all of lot 21 & N5.1FT Lot 20 ; AG N2'lot19&S19.9'lot20&S23'lot19 ;
36		Hemper Associates	That part of Blk 36 lying W of Willow Creek & East of San Luis Ave.

South Creede

1	10 & 11	Hemper Associates	Lots 11-15 Blk 1 Excepting the So 25' Thereof
5	10 - 12	Adleman, Elks	Adleman: 8,9, 10 & E ½ of 11 ; Elks W½ of 11 & all of 12 thru 15
	19 & 20	County & Wagnon	County S 71' of lots 16,17,18,& 19 ; Wagnon N 29' of lots 16,17,18,& 19
8	11 & 12	Larson	Larson 12,13,14,&15
	18 & 19	Hague, Richter, Lamb	Hague N½ lot 20 lying W of Creek & N½ lots 16,17, 18,&19 : Richter S½ lot17 &W½S½ lot 18 ;
13	11 & 12	USFS	W ½ lot 11 & all of 12,13,14,15
	20 & 21	Wardell	E ½ of lot 20 - Lots 21,22,23,24
16	10 & 11	Luther	lots 6,7,8,9, 10
	20	None	OK
19	11	Diantonio = 16-19	OK
	20 & 21	Seime	Lots 21 & 22
22	10 & 11	Lamb	Lamb: lots 7,8,9, 10
	20 & 21	Birdsey	Lots: 21,22,23 ,
25	10 & 11	Nichols	Lots 4,5,6,7,8,9, 10,11
	20 & 21	None	OK
30	5 & 6		
	17 & 18		
32	9 & 10	None	OK
	21 & 22	Kendra Rounds Diana Gray	Rounds: lots 16 thru 20 & W½ of 21 Gray: E½ of lot 21 & lot 22 & 23
35	10 & 11	School	Lots 8,9, 10
	20 & 21	None	OK
36	7 & 8	Willow Creek Storage	Lots 1 thru 7
	17 & 18	Julia Augur	Lots 18 thru 23
38	6 & 7		
	14 & 15		
39	3 & 4		

Notes

QUlot18;HicksW50'lots16&17;Inge45'EoftheW50'lots16&17

[illegible]

MEMO

DATE: February 10, January 6, 2017
TO: PZC
FROM: Randi
SUBJECT: Tiny Home Info Packet

UPDATE

Last month, we weren't ready to make a specific recommendation but did achieve some consensus to pursue the following to address the Tiny Homes question:

- Recommend legislation reducing minimum square footage for a residence in all zones to 400 sf.
- Recommend legislation making homes under 400 sf a conditional use in most zones (we were still a bit undecided in allowing it in B1)
- Recommend legislation specifying that tiny homes must a. have a foundation or b. be licensed as an RV (takes care of tax question).

You asked me to research what our rules were about RVs. The CDC was indeed the only place I could find regulations for recreational vehicles, so those would be the ones which would apply to "tiny homes" without a foundation.

You also asked me to ask my colleagues in Salida and Walsenburg if they've had any issues or if they would have done anything differently. I haven't yet heard from Salida, but I did hear from Walsenburg that they had to change tack a bit because they adopted the 2015 IBC. Their tiny home regulation is therefore a.) a conditional use and b.) further regulated by a series of exceptions of their adoption of the 2015 IBC. Its probably worth checking into whether we should amend Ordinance 335, which currently only has modifications for increased snow load and increased footer depth, to accommodate for a tiny homes as Walsenburg does in the attached Ordinance.

If all that still seems like the right direction, you can provide direction to staff to pursue draft legislation for all issues listed above as well as amending Ordinance 335 for your consideration at the March or April meeting.

To help this process along, I've tried to commit some time to research and I hope to be able to do more in the future. I'll also try to update this research packet with conclusions we've come to so far, etc. Additionally, I've created some zoning "cheat sheets" for you all and included Ed's "Draft 2" from last month. As promised, I am pursuing some nice maps for you all with street, zoning, and plat overlays, but those are still in the works.

There's a lot to sort through, but I think its important to consider the simplest paths first. Last month, our conversation seemed to hinge on classifying residential structures into various sizes. Ed proposed Small (426-800), Tiny (101-425), and Micro (100 and less). In looking through how such categorization would fit into our code, I would like to point out that, for the most part, our regulations would remain the same on a 2,000 sf home as they would on a 400 sf home with a foundation so I'm not sure that there is too much to be gained on having lots of home size categories to which no differing regulations apply. On the other hand, perhaps we were doing this to allow certain sizes of homes in certain zones. We did discuss reducing our minimum sf in all zones to 425 sf. FYI, this would require increasing R2 sf by 25sf. We also generally agreed that the setbacks in R1 were ok for tiny homes. (?)

As you all noted, much seems to hinge on foundations. As long as something has a foundation it can be taxed, and therefore we don't have to worry about it tax-wise. If its not on a foundation they probably need to be taxed as a Motor Vehicle (or RV) and we do have regulations that exist for these. It doesn't filter down exactly the same as property tax, but we do get revenue from it, and I'm not sure that we could regulate a tiny-home-on-a-trailer differently than a tiny-trailer-home *if* it was registered similarly. Moreover, the land under it gets taxes as well. If its classified as a mobile home park, it is taxed at a residential rate, however, if it is classified as a RV park, it gets the commercial/vacant tax rate.

If we can figure out how to regulate so that they are already beholden to existing tax structures, than I think we can avoid the complicated tax imitation structure that Ed proposed (While I think its thoughtful and thorough, I cannot imagine

administering it, and further, I think that would have to go to a vote because of TABOR regs). Perhaps we just mandate that in all zones, tiny homes must be on a foundation *or* be licensed as a motor vehicle. Getting homemade or manufactured vehicles registered as RVs does take a process, but its possible. It requires that the vehicle is by definition mobile (i.e., the tires aren't going to be taken off, etc.). It has the added bonus of requiring an inspection by the State Patrol to make sure that the structure is up to snuff with federal and state RV regs so that would further reduce our burden as far as regulating goes.

From there, it's a matter of where a tiny home that isn't on a foundation can live. I think we have that already, or close to it. We passed pretty sensible regs for RV Parks in Article 6 of the CDC. It includes City water and sewer service hookup regulation, an annual license fee, and a prohibition of permanent occupancy, which says, "No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve (12) month period shall be presumed to be permanent occupancy." Where things get less clear is when someone wants to do an RV "site" rather than a park but the code does require those to be hooked up to separate WS as well. What we say when someone wants to put a tiny home for a buddy in their yard, though, may require some more research and conversation. There is still the grey area of someone who wants to take off the tires, skirt it, and live pretty much permanently – do we allow this in MH zones?

As far as trying to regulate skirting of these things, I wanted to point out that we have a large number of mobile homes in Creede that face the same concerns and we don't currently get involved with that. Those homes are thus far skirted out of obvious necessity rather than regulation.

So, all that being said, what do we actually need to decide on?

ZONING

- Develop entire separate regulations for Tiny Homes and then allow in a particular existing zone or a new zone classification?
- Reduce our square footage in some zones or all zones?
- Allow special review so someone can apply in all zones or certain zones to have a home on a foundation with a smaller sf than our regulations allow (like Walsenburg)?
- Prevent any variance or small home with or without a foundation in any zone?

TAXATION

- Are we able to legislate so that all "tiny home" structures fall into some kind of already existing tax?
- Otherwise, can we establish an administratively feasible "fee" (taxes have to go to vote) to replace revenue?

FOUNDATION

- Do we want to allow any tiny homes without foundations?
- If we do, are they simply beholden to existing mobile home and/or RV regs, or do we need to go beyond those to specifically legislate this type of home?

PERMANENT V. TEMPORARY

- Obviously foundation homes would be pretty permanent, so this really only applies to non-foundation tiny homes: Should these fall into the same regs as RVs? 6 months? That would cover our summer season.
- Or should we develop more temporary/more permanent regs?

MORE INFO

Salida's journey was interesting but not particularly applicable to ours. They annexed property a bit to the east of Salida for the express purpose of a tiny home development. For that they used a mechanism of an "underlying zoning" of Residential Mixed Use which mean that they could allow the Planned Development that included tiny homes but in the event that it somehow fell through, the property would automatically revert to the normal confines of the RMU zone.

Walsenburg took a pretty simple route as well, and passed an ordinance which simply allowed minimum floor area required for R1 and R2 districts to be considered by their PZC (and presumably their council) as a variance as long as they are placed on a “footer or foundation” and tapped into city water and sewer. Basically, folks are subject to normal zoning standards, but if they want to apply for a variance to have any home which falls below minimum square footage standards, they can, and the powers that be are able to consider tiny home subdivisions and individual tiny homes on a case-by case basis.

FYI, here’s the 2003 IBC’s regs on square footage:

1208.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (13.9 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

1208.4 Efficiency dwelling units. An efficiency living unit shall conform to the requirements of the code except as modified herein:

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

ORDINANCE NO. 1092

AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE 2015 Ed., INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS 2015 Ed., INTERNATIONAL MECHANICAL CODE 2015 Ed., INTERNATIONAL FIRE CODE 2015 Ed., INTERNATIONAL ENERGY CONSERVATION CODE 2015 Ed., THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2015 Ed., AND THE INTERNATIONAL FUEL GAS CODE 2015 Ed. WITH AMENDMENTS SPECIFIC TO TINY HOMES

WHEREAS, the City Council of the City of Walsenburg has determined that adopting uniform codes addressing various aspects of building will promote the health, safety and welfare of the citizens of the City of Walsenburg.

BE IT ORDAINED by the City of Walsenburg's City Council as follows.

1. **International Building Code® 2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the "International Building Code®" 2015 Ed. ("IBC"), including appendix chapters, by reference thereto a document, known as the International Building Code® 2015 Ed., published by the International Code Council® ("ICC"), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and appendix includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Building Code® 2015 Ed. are adopted.
 - a. Definition.
 - i. A "tiny home" is a permanent structure constructed on or off site for one or more persons' year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.
 - b. The following section is waived for tiny homes:
 - i. Section 1208, "Interior Space Dimensions".
 - c. Penalties. Any person, firm or corporation that violates any provision of the International Building Code® 2015 Edition as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction

of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

2. **International Residential Code for One – and Two-Family Dwellings® 2015 Ed.**

Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the International Residential Code For One – And Two- Family Dwellings®, (“IRC”), including appendix chapters, by reference thereto a document, known as “The International Residential Code For One – And Two- Family Dwellings®” 2015 Ed., published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and appendix includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of all one and two-family dwellings in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Residential Code for One – and Two-Family Dwellings® 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

b. The following sections are waived for tiny homes:

- i. IRC Sections R303.1, R304.1-304.4, minimum room areas;
- ii. IRC Section R307.1- toilet, bath and shower spaces;
- iii. IRC Section 308.4-glazing-hazardous locations;
- iv. IRC Section R310.1, emergency escape and rescue;
- v. IRC Section 311.8-ramp;
- vi. IRC Section 311.7.1-7.10.1, stairways; and
- vii. IRC Section 312.2.1.-egress window sills.

c. The following section is modified for tiny homes:

- i. IRC Section R311.2 is modified to require an exit door width of no less than 32 inches.

- d. **Penalties.** Any person, firm or corporation who violates any provision of the International Residential Code for One – and Two-Family Dwellings® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).
3. **International Mechanical Code® 2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Mechanical Code®” 2015 Ed. (“IMC”), including appendix chapters by reference to a document, known as the “International Mechanical Code®” 2015 Ed., published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating all mechanical components of structures in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Mechanical Code®” 2015 Ed. are adopted.
- a. Definition.
- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.
- b. The following section is waived for tiny homes:
- i. IMC Sections 306.1.
- c. **Penalties.** Any person, firm or corporation who violates any provision of the International Mechanical Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).
4. **International Fire Code® 2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Fire Code®” 2015 Ed. (“IFC”) including appendix chapters by reference to a document, known as the “International Fire Code®” 2015 edition, published by National Fire Protection Association (“NFPA”) 1 Batterymarch Park, Quincy, Mass., 02269 a copy of which is

on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating all structures in the City of Walsenburg with respect to fire safety and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Fire Code® 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

b. The following section is waived for tiny homes:

- i. IFC Section 903.28 Group R.

- c. Penalties. Any person, firm or corporation who violates any provision of the International Fire Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

5. **International Energy Conservation Code® 2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Energy Conservation Code®” 2015 Ed. (“IECC”) including appendix chapters by reference to a document, known as the “International Energy Conservation Code®” 2015 edition, published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating all buildings in the City of Walsenburg with respect to methods of construction that conserve energy and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Energy Conservation Code® 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural

gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

- b. Penalties. Any person, firm or corporation who violates any provision of the International Energy Conservation Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).
6. **International Property Maintenance Code® 2105 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Property Maintenance Code®” 2015 Ed. (“IPMC”) including appendix chapters by reference to a document, known as the “International Property Maintenance Code®” 2015 edition, published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating the maintenance of buildings and real properties in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Property Maintenance Code®” 2015 Ed. are adopted.
 - a. Definition.
 - i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.
 - b. Penalties. Any person, firm or corporation who violates any provision of the International Property Maintenance Code 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).
7. **International Fuel Gas Code ® 2105 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Fuel Gas Code®” 2015 Ed. (“IFGC”) including appendix chapters by reference to a document, known as the “International Fuel Gas Code®” 2015 edition, published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive

provisions and standards regulating and governing fuel gas systems and gas-fired appliances as herein provided in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Fuel Gas Code® 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

- b. **Penalties.** Any person, firm or corporation who violates any provision of the International Fuel Gas Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

8. Amendments To All Building Codes. The International Building Code® 2015 Ed., International Residential Code for One – and Two-Family Dwellings® 2015 Ed., International Mechanical Code® 2015 Ed., International Fire Code® 2015 Ed., International Energy Conservation Code® 2015 Ed., International Property Maintenance Code® 2105 Ed. and the International Fuel Gas Code® 2105 Ed. are each amended, as necessary, to conform with the following standards that apply only to tiny homes.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

- b. **Qualified Foundations.** Qualified Foundations include: stem wall, slab and diamond pier.

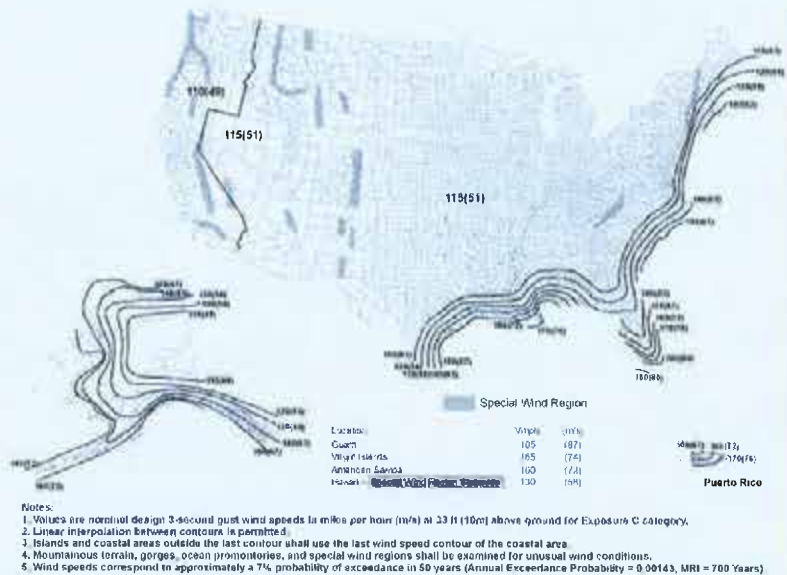
- c. **Accessory Dwelling Standards.** Accessory dwellings must meet each of the following standards:

- i. may not exceed 400 square feet;

- ii. must be placed on a permanent foundation;
 - iii. may have a kitchen and cooking privileges;
 - iv. must meet all set back requirements;
 - v. must have utility taps separate from any other dwelling;
 - vi. must conform with the codes adopted in this ordinance;
 - vii. must have all necessary permits and pay all required fees.
- d. **Off Premises Construction.** A primary or accessory dwelling built off premises requires both American National Safety Institute 19.2 or 19.5 (ANCI) and National Fire Protection Agency 1192 (NFPA) approval and certification.
- e. **Foundation and Elevation Certificates.** All foundations and elevation certificates must be wet stamped by a structural engineer.
- f. **Design Criteria Standards.**
- i. Snow load 40-(Source-State of Colorado-recommended basic snow design loads).
 - ii. Roof live load 30- (Source-Basic Roof Load Zone Map).



- iii. Seismic: Zone A (Source United States Seismic Zone Map)
- iv. Wind Speed: 115 mph per 2016 IBC sec 1609.3(1)



v. **Building Materials**-Tiny homes can be constructed from any material providing that the construction meets 2015 IRC standards with exceptions as outlined in this Ordinance and has the finished appearance of a residence.

g. **Penalties.** Any person, firm or corporation who violates any of the General Amendments set forth above shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

9. **No Effect on Current Litigation.** Nothing in this ordinance or the codes hereby adopted shall be construed to affect any suit or proceeding in pending in any court, or any right required, or liability incurred, or any cause or causes of action required or existing, under any act ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.
10. **Effective Date.** This law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the thirty days subsequent to its final passage and adoption.
11. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform to this ordinance.
12. **Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the city of Walsenburg hereby declares that it would have passed since law, and each section, subsection,

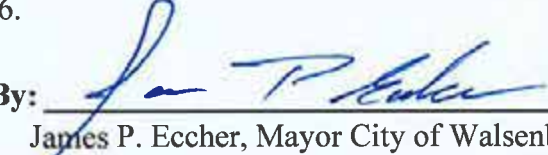
clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PASSED on the first reading and ordered published the 17th day of May, 2016.

ADOPTED and approved the 21st day of June, 2016.

CITY OF WALSENBURG

DATED this 21st day of June, 2016.

By: 
James P. Eccher, Mayor City of Walsenburg

ATTEST:


Wanda Britt, City Clerk

