



MAYOR & COUNCIL MEMORANDUM

August 8, 2023

Subject: Zoning and Building Code Regulations for Tiny Homes
(City Wide)

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Issue – This study session item was requested by Mayor Romero, Council Member Dahl and Council Member Santa Cruz per the memo dated June 21, 2023 (Attachment A), and to follow up on discussion held at a previous study session (July 18, 2023) regarding existing zoning and building code regulations as they relate to tiny home redevelopment. The intent of this follow-up discussion is to clarify the different housing types that are commonly referred to as tiny homes and the different ways they are regulated. In Tucson, tiny homes are regulated by zoning codes based on their use, such as single-family residential, multi-family residential, or as a shelter, and through building codes based on construction type. The following are four housing types frequently referred to as a tiny home:

1. **Tiny Home** – *small home of 400 square feet or less, with a kitchen and bathroom, on a permanent foundation*
 - Must meet zoning regulations for residential dwelling units or accessory dwelling units and residential building codes.
2. **Tiny Home on wheels** – *small home on a chassis*
 - Can range in size, permitted within mobile home parks.
3. **Micro-shelters** – *sleeping quarters, generally under 200sf with no kitchen or bathroom*
 - Regulated as a shelter care use, standards vary greatly dependent on the zone.
4. **Manufactured housing** – *housing built off-site and certified for safety by the state rather than local jurisdictions.*

While many of the above uses may be developed today in a variety of situations, the micro-shelter housing type is the most challenging to develop in Tucson. Because they are considered a shelter care use, the zoning regulations for this housing type is complex, vary greatly by location and are restrictive in most zones. Revisions to simplify zoning regulations for shelter care use could help to address the limitations on their development and facilitate this transitional housing type.

City Manager's Office Recommendation – Discuss goals and provide direction for potential zoning code amendments and other avenues to support tiny home development in Tucson.

Background – On July 18, 2023, the Mayor and Council held a study session to discuss zoning and regulations for tiny homes (Attachment A). At that meeting, there was a robust discussion about a variety of housing types that are commonly referred to as tiny homes. Types of housing that were discussed during the study session include:

- Micro-shelter housing – small shelter, generally less than 200sf, with electricity, insulated, and usually conditioned (heat and air conditioning) but without water or sewer connections. Usually part of a site with shared kitchen, bathroom, and communal spaces, designed to serve individuals transitioning out of homelessness.
- Manufactured homes – small home, usually with a kitchen and bathroom, manufactured off-site and transported to a location to be placed on a permanent foundation.

- Small homes on residential lots – small home or Accessory Dwelling Unit (ADU) on a single residential lot. Generally, with a kitchen, bathroom and on a permanent foundation.
- Small homes in groups or housing cooperatives – groups of small homes with shared community spaces and mixes of incomes and types of housing. May be an ownership or rental model.
- Mobile home to tiny home upgrade – tiny homes on a mobile chassis, in place of traditional manufactured homes used in mobile home parks.

Mayor and Council provided direction to staff to come back on August 8th for a second study session to report back on the obstacles to tiny home development and to consider changes to building codes and zoning requirements that are needed to allow tiny homes in Tucson (see Attachment B, Legal Action Report from July 18, 2023 study session).

Present Consideration(s) – In Tucson, “tiny homes” are regulated through the zoning code according use, such as single-family residential, multi-family residential, or as a shelter, and through the building code based on their construction type. Based on these codes, tiny homes are either allowed in certain zones and situations or restricted in others. The following is a brief overview of how tiny homes are regulated in our zoning code, the Unified Development Code (UDC) and our building code:

Zoning Code

- A tiny home can fit into a variety of land uses, depending on how it is occupied.
- Zoning regulates land use not construction type.
- Some of the land uses that sites with tiny homes can be classified as include:
 - Shelter care
 - Mobile home park
 - Residential care facility
 - Multifamily residential
 - Single family residential
 - Residential subdivision
- Each of these land uses are allowed in different zones, with various use-specific standards.

Building Code

- Tiny homes as defined by building code are dwelling units (with a kitchen and bathroom) that are 400^{sf} or less. The 2018 International Residential Code (IRC) includes specific standards for these homes in Appendix Q.
- This code has been adopted by the City of Tucson and may be used by anyone building a tiny home.
- If a unit is greater than 400^{sf}, it is considered a regular home and must meet general residential standards of the 2018 IRC.
- All structures with habitable space must be permitted, regardless of size (i.e. even if under 200^{sf}).
- Alternative materials must receive ICC or UL certification prior to being allowed – examples include ByFusion Blocks, straw bale, etc.

While the above gives an overview of how the zoning and building codes address tiny homes, they do have different regulations and constraints depending on their situation. The following is an

overview of regulations for zoning, building code and building materials for tiny homes depending on the situation, along with potential barriers to their development:

Tiny Home – *tiny home as a small home (full dwelling unit) on a permanent foundation*

- This housing type would include cooperative living situations, individual small homes on a single lot, or multiple small homes on a single lot.
- Includes both site built and modular homes.



Tiny Home per building code – under 400 square feet, includes kitchen and bathroom

Zoning Code

- Allowed as a Single-Family Residential home – must meet standards of the zone such as setbacks and minimum lot size. Smaller lot sizes may be achieved through a Flexible Lot Development (FLD).
- Allowed as an ADU – must meet standards for ADUs such as building height, setbacks, and size.
- Allowed as a Multi-Family Residential development – must meet zoning standards for density, parking, landscaping, etc.

Building Code

- May utilize Appendix Q (tiny house standards) of the 2018 IRC if less than 400sf.
- If greater than 400sf and built on site, must meet general residential standards of the 2018 IRC.

Building Materials

- Alternative building materials must be approved by International Code Council (ICC). Examples of approved materials are straw bale, by-fusion blocks or adobe.

Potential Barriers

- Minimum lot size, perimeter lot setbacks, and allowed densities may be a barrier to this use if not using the FLD option.
- Full dwelling units are required to pay impact fees, increasing overall costs.
- Cost per square foot for construction of smaller homes is higher than larger homes.

Tiny Home on wheels – *small dwelling on a chassis*

- Can range in size from under 400sf, to larger homes.
- These are generally full residential units with a kitchen and bathroom.

Zoning Code

- This housing type is allowed in mobile home parks, in which the resident leases a pad in a village/park. Mobile home parks are permitted in the MH-1 and MH-2 zones.
- Prohibited in residential (other than MH-1 and MH-2) and commercial zones.

- Conversions of existing mobile home parks to tiny home villages and the development of new “tiny home villages” would be allowed in MH zones.

Building Code

- No building code requirement for a small home on a chassis, but they are required to meet ANSI standards and have either RVIA certification or NOAH certification. This is not within the purview of the City of Tucson.

Building Materials

- Building materials must meet ANSI standards set at the federal level and be certified by either RVIA or NOAH. This is not within the purview of the City of Tucson.



Tiny Home on wheels

Potential Barriers

- New mobile home parks are limited to only the MH-1 and MH-2 zones.
- Density allowed for MH-1 and MH-2 zones has a limit of 8 units per acre and 15 units per acre, respectively.
- Regulations related to discontinued non-conforming uses may limit the ability to convert a mobile home park that has been closed for more than 6 months.

Micro-shelters – *sleeping quarters, generally under 200sf with electricity but no plumbing.*

- Typically grouped on a site as a “village” with shared kitchen and bathrooms as well as support services, as transitional housing.

Zoning Code

- Allowed as a shelter care use in most zones.
- Shelter care use is limited by restrictions on number of residents (10 to 15 in residential zones), requirement for a special exception process in many zones, setbacks from residential uses, minimum lot size and maximum lot coverage.



Micro-shelter – typically under 200 sqft - no kitchen or bathroom – not a dwelling unit, but is habitable space

Building Code

- All habitable space, or structures with electrical service or plumbing, require a building permit.

Building Materials

- Requires ICC approved building materials, along with insulation and conditioning if a habitable space.

Potential Barriers

- Zoning regulations for shelter care are very restrictive, including requirements for a special exception approval, standards related to property line setbacks from R-3 or more restrictive zones, lot coverage, minimum lot size, number of residents, and outdoor operations.

Manufactured housing - housing built off-site, and certified for safety by the state rather than local jurisdictions.

- Manufactured housing may be a tiny home (400sf or less) or a small home.

Zoning Code

- Manufactured housing is generally regulated by use (single-family, multi-family, micro-shelter use, etc.) and the zoning district it is located within.
- The exception is the R-1 zoning district, which has additional design criteria for manufactured housing.

Building Code

- Must be licensed and certified by Arizona Department of Housing (ADOH).
- Permitted through PDSO for site standards, not building code compliance.

Building Materials

- May use alternative materials such as ByFusion Blocks or shipping containers.
- Material approval is part of the licensing and certification by ADOH.

Potential Barriers

- Additional design requirements in the R-1 zone.
- Transportation costs and costs to install on site.



Manufactured tiny home – housing built off-site and shipped to its final location.

Recommendations – Based on staff review of current zoning regulations, a number of tiny home village models are currently permitted. Tiny homes as a homeownership option, or as a multifamily use, are permitted in a wide range of zones. The greatest restrictions are on mobile home parks and shelter care use.

Based on direction provided to staff at the July 18, 2023 study session, the following are potential options to facilitate the development of tiny homes in Tucson:

Potential changes to the UDC

1. **Mobile home parks and manufactured housing** - Revise regulations related to the mobile home park land use and MH zone as well as manufactured housing, where appropriate to potentially include:
 - Revise definitions to reflect current practices related to manufactured and modular housing, and other off-site construction methods.
 - Expand zoning districts where mobile home parks are permitted (i.e. consider allowing in commercial zones).

- Review and consider raising maximum density for mobile home parks; review other site standards such as parking, landscaping and setbacks.
 - Provide exceptions to discontinued non-conforming use regulations for conversions of mobile-home parks, to extend time frame beyond 6 months.
2. **Shelter care use** - Revise and simplify regulations related to the shelter care use where appropriate. This could be done one of two ways:

Option 1: Initiate a code amendment related to the shelter care use to address existing zoning barriers.

Option 2: Pilot the micro-shelter model at the city-owned Fire Station 8 site through a Planned Area Development (PAD) rezoning, then consider code amendments based on lessons learned.

For both Option 1 and Option 2, the following are potential areas of regulation to review regarding micro-shelters:

- Differentiate non-congregate shelter (micro shelters, motel, etc.) from congregate shelter uses.
- Review the zoning districts where a shelter care use is permitted and consider revising development standards such as:
 - Requirements for special exception approval process
 - Setbacks from residential zones
 - Number of total residents allowed
 - Minimum lot size requirements
 - Lot coverage standards
 - Restrictions on outdoor activity

Education and collaboration with the development community and housing providers

In addition to the above options for UDC amendments, the following programmatic initiatives could also help to support the development of this housing type:

- Education and outreach to clarify current regulations and permitting process for tiny homes and manufactured homes.
- Collaboration with local builders and housing providers pursuing offsite construction to clarify and streamline process.

Plan Tucson Consideration(s) – This item is related to the *Plan Tucson* Elements of (1) Housing and (2) Land Use, Transportation, & Urban Design. Specifically, this item is supported by the following policies:

- *H6 – Take multiple approaches to reduce housing costs and increase affordability*
- *H9 – Promote safe, decent, and affordable housing and neighborhoods that support aging in place*

- *LT4 – Ensure urban design that: a. is sensitive to the surrounding scale and intensities of existing development; b. integrates alternative transportation choices, creates safe gathering places, and fosters social interaction; c. provides multi-modal connections between and within building blocks; d. includes ample, usable public space and green infrastructure; take into account prominent viewsheds.*

Financial Considerations – None.

Operating Cost and Maintenance Input – None.

Legal Considerations – The City Attorney’s Office has reviewed this Memorandum. Any modifications to the City’s zoning regulations must go through the applicable statutory process. The City has the ability to modify building code regulations through local amendments to the IRC.

Respectfully submitted,



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PLANNING AND DEVELOPMENT SERVICES

Attachment(s): A – Memorandum submitted by Mayor Romero, Council Members Santa Cruz and Dahl, dated June 21, 2023
B – Legal Action Report from the July 18, 2023 Mayor and Council study session