

ORDINANCE NO. 17- 77

AN ORDINANCE AMENDING THE CITY OF ROGERS CODE OF ORDINANCES TO ESTABLISH BUILDING CODES AND A USE CLASSIFICATION FOR "TINY HOUSES"; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the language in the Code of Ordinances of the City of Rogers needs updated to reflect appropriate building code specifications for "Tiny Houses";

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers, Code of Ordinances, is amended to add an additional section, Sec. 10-36, to read as follows in the attached Exhibit "A";

Section 2: Subdivision 14-695(b)(1)(k.) of the City of Rogers, Code of Ordinances, is amended to read as follows in the attached Exhibit "B";

Section 2: Emergency Clause- The need to amend the City Code is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 3: Severability Provision- If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions- All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 28th day of November, 2017.

APPROVED:

C. Greg Hines
C. GREG HINES,
Mayor

Attest: Peggy David
PEGGY DAVID, City Clerk

Requested By: Tom Jenkins, Fire Chief and John McCurdy, Director of the Department of Community Development
Prepared By: Jennifer Waymack, Senior Staff Attorney

EXHIBIT "A"**Sec. 10-36. – Tiny houses.**

(a) This section shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this section. If the provisions of this section conflict with the most recent version of the International Building Code of 2012, the International Building Code of 2012 shall apply. (b) As used in this section:

(1) "Egress roof access window" means a skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2 of the International Residential Code of 2012;

(2) "Landing platform" means a landing provided as the top step of a stairway accessing a loft;

(3) "Loft" means a floor level located more than thirty (30) inches above the main floor and open to it on at least one side with a ceiling height of less than six feet eight inches (6' 8"), used as a living or sleeping space; and

(4) "Tiny house" means a dwelling that is four hundred (400) square feet or less in floor area excluding lofts.

(c)(1) Minimum ceiling height. Except as provided in subdivision (c)(2) of this section, habitable space and hallways in tiny houses shall have a ceiling height of not less than six feet eight inches (6' 8"). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than six feet four inches (6' 4"). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

(2) Exception: Ceiling heights in lofts are permitted to be less than six feet eight inches (6' 8").

(f)(1) Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of subsections (f)(2) through (f)(4) of this section.

(2) Minimum area. Lofts shall have a floor area of not less than thirty-five (35) square feet.

(3) Minimum dimensions. Lofts shall be not less than five (5) feet in any horizontal dimension.

(4)(A) Height effect on loft area. Except as provided in subdivision (f)(4)(B) of this section, portions of a loft with a sloping ceiling measuring less than three (3) feet from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

(B) Exception: Under gable roofs with a minimum slope of six to twelve (6:12), portions of a loft with a sloping ceiling measuring less than sixteen (16) inches from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

(5) Loft access. The access to and primary egress from lofts shall be any type described in subsections (f)(6) through (f)(17) of this section.

(6) Stairways. Stairways accessing lofts shall comply with International Building Code of 2012 or with subsections (f)(7) through (f)(11) of this section.

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

(8) 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.

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

(A) The tread depth shall be twenty (20) inches minus $\frac{4}{3}$ of the riser height, or

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

(10) 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 six feet two inches (6' 2") where the stairway meets the loft. The landing platform shall be eighteen (18) inches to twenty-two (22) inches in depth measured from the nosing of the landing platform to the edge of the loft, and sixteen (16) to eighteen (18) inches in height measured from the landing platform to the loft floor.

(11) Handrails. Handrails shall comply with Section R311.7.8 of the International Residential Code of 2012.

(12) Stairway guards. Guards at open sides of stairways shall comply with Section R312.1 of the International Residential Code of 2012.

(13) Ladders. Ladders accessing lofts shall comply with subdivision (f)(6) of this section.

(14) Size and capacity. Ladders accessing lofts shall have a rung width of not less than twelve (12) inches and ten (10) inches to fourteen (14) inches spacing between rungs. Ladders shall be capable of supporting a two-hundred (200) pound load on any rung. Rung spacing shall be uniform within three-eighths ($\frac{3}{8}$) inch.

(15) Incline. Ladders shall be installed at seventy (70) to eighty (80) degrees from horizontal.

(16) Alternating tread devices. Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2 of the International Residential Code of 2012. The clear width at and below the handrails shall be not less than twenty (20) inches.

(17) Ships ladders. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2 of the International Residential Code of 2012. The clear width at and below handrails shall be not less than twenty (20) inches.

(18) Loft Guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than thirty-six (36) inches in height or one-half ($\frac{1}{2}$) of the clear height to the ceiling, whichever is less.

(g)(1) Emergency Escape and Rescue Openings AV105.1 General. Except as provided in subdivision (g)(2) of this section tiny houses shall meet the requirements of Section R310 of the International Residential Code of 2012 for emergency escape and rescue openings.

(2) Exception: Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 of the International Residential Code of 2012 where installed such that the bottom of the opening is not more than forty-four (44) inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the International Residential Code of 2012.

(h)(1) Addressing. Tiny houses shall have a minimum addressing with a height of four (4) inches and a five eighths inch ($\frac{5}{8}$ ") brush stroke and retroreflective.

(2) Community Addressing. Tiny house communities shall be addressed with one common vanity address with individual suite numbers for houses.

(3) Systematic Community Addressing. Tiny house communities shall be address systematically with the first address starting at the first lot on the left hand side of the entrance and shall continue clockwise. The numbering system shall consist of the outer perimeter shall be numbered first, followed by the inner perimeter.

(4)(A) Tiny house community. Except as provided in subdivision (h)(4)(B) of this section, new tiny house communities shall have a monument sign at the entrance with of the community with a diagram depicting the plat with address numbers. Address numbers on the plat shall be shall a minimum of three inches (3") in height and a one-half inch ($\frac{1}{2}$ ") brush stroke.

(B) Exception: In the opinion of the code official any existing community that has a configuration that would impede emergency response of public safety, shall be required to meet this requirement.

(5)(A) Emergency access. Except as provided in subdivision (h)(5)(B) of this section, tiny houses shall meet the requirements of Volume I of the Arkansas Fire Prevention Code and City of Rogers Ordinances as they pertain to emergency access and signage.

(B) Exception: Emergency access shall meet the following requires if there is a NFPA 13D Residential Fire Sprinkler System and a five pound ABC fire extinguisher installed in one-hundred percent (100%) of all tiny houses and accessory structures:

(i) Allowable dwelling units on a single access road increase to no more than ninety-nine (99);

(ii) Fire department access road allowed to be reduced to fifteen feet (15') in width.

(iii) Single fire department access road allowed to be increased to a maximum of two-hundred and fifty-five feet (250'); and

(iv) Grade of fire department access road allowed to increase to a
fifteen percent (15%).

Exhibit "B"

k. Single-Family Residential is a secondary use classification encompassing buildings containing one dwelling unit located on a single lot. Single-Family Residential includes without limitation tiny houses as defined by Sec. 10-36 of the City of Rogers, Code of Ordinances.