

**TOWN OF RICO
ORDINANCE NO. 2019 - 05**

AN ORDINANCE OF THE TOWN OF RICO, COLORADO, ADDING DEFINITIONS REGARDING TINY HOMES TO THE RICO LAND USE CODE SECTION 910, ADDING A NEW SUBSECTION C TO SECTION 221 FOR ALLOWING TINY HOMES IN THE RESIDENTIAL (R) ZONE DISTRICT BY SPECIAL USE PERMIT, AND ADDING A NEW SECTION 222 SETTING FORTH TINY HOME DESIGN REGULATIONS.

WHEREAS, the Board of Trustees of the Town of Rico (Board) is empowered for the purpose of promoting health, safety, morals, or the general welfare of the community, to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the height and location of trees and other vegetation, and the location and use of buildings, structures, and land for residential purposes pursuant to C.R.S. § 31-23-301(1), as amended;

WHEREAS, the Board desires to allow tiny homes in the Residential (R) Zone District and the Commercial District to address the Town of Rico's affordable housing shortages and to take advantage of the minimal footprint due to their small size and;

WHEREAS, the Board has set forth specific design regulations, including adherence to CDPHE Waster Water Flow and Strength regulations for tiny homes pursuant to 5 C.C.R. 1002-43:43.6;

WHEREAS, the tiny homes regulated herein are not structures, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation; and

WHEREAS, the tiny homes regulated herein are Dwellings as defined in the Rico Land Use Code, limited to one bedroom and less than 400' of livable space, excluding a loft for the purpose of the 2006 International Residential Code review and including the loft for the purpose of the reduced soil treatment area as defined in Colorado Health and Environment Regulation 43, adopted by the Rico Board of Trustees on September 20 2017 and attached to a permanent foundation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO:

SECTION 1: AMENDMENT OF SECTION 910 TO THE RICO LAND USE CODE TO ADD TINY HOME DEFINITIONS

910 DEFINITIONS of the Municipal Code of the Town of Rico, Colorado, is amended to add

the following definitions to be inserted in alphabetical order as follows:

Egress Roof Access Window. Egress Roof Access Window shall mean a skylight or roof window designed and installed to satisfy emergency escape and rescue opening requirements.

Landing Platform. A landing platform shall be a landing provided as the top step of a stairway accessing a loft.

Tiny Home Loft. A loft shall be a floor level located more than 30" (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6', 8" (2032 mm) and used as a living or sleeping space.

Tiny Home. A tiny home is a dwelling as defined in the Rico Land Use Code, limited to one bedroom and less than 400' of livable space, excluding a loft for the purpose of the 2006 International Residential Code review and including the loft for the purpose of the reduced soil treatment area as defined in Colorado Health and Environment Regulation 43, adopted by the Rico Board of Trustees on September 20, 2017 and attached to a permanent foundation.

SECTION 2: AMENDMENT OF SECTION 221 OF THE RICO LAND USE CODE TO ADD A NEW SUBSECTION C

Section 222 is amended to add a new Subsection C as follows:

C. Tiny Homes.

SECTION 3: ADDITION OF A NEW SECTION 223 TO THE RICO LAND USE CODE

A new Section 223 is added to the Rico Land Use Code as follows:

223 TINY HOME USES

Tiny Homes must comply with all Colorado Department of Public Health & Environment (CDPHE) rules and regulations, including daily residential wastewater flow and BOD₅ load per person, per day limits. In addition, Tiny Homes must meet minimum requirements as follows:

Design Regulation	Requirements
Ceiling Height	Habitable space and hallways in Tiny Homes shall have a ceiling height of not less than 6' 8" (2032 mm). A bathroom, toilet room, and kitchen shall have a height not less than 6' 4" (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend

	below these minimum ceiling heights, except ceiling heights in lofts as set forth below.
Tiny Home Loft Area and Dimensions	Lofts shall have a floor area of not less than 35 sq. Ft (3.25 mm). Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension. 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 for the loft.
Height Effect on Loft Area	Portions of a loft with a sloped ceiling measuring less than 3' (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" (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.
Loft Access	Stairways accessing a loft shall not be less than 17" (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20" (508 mm). The headroom in stairways accessing a loft shall be not less than 6' 2" (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosing in the middle of their width. Risers for stairs accessing a loft shall be not less than 7" (178 mm) and not more than 12" (305 mm) in height. Tread depth and riser height shall be

	<p>calculated in accordance with the following:</p> <ol style="list-style-type: none"> 1. The tread depth shall be 20" (508 mm) minus four-thirds of the riser height. 2. The riser height shall be 15" (381 mm) minus three-fourths of the tread depth.
Landing Platform	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' 2" (1880 mm) where the stairway meets the loft. The landing platform shall be 18" to 22" (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18" (406 to 457 mm) in height measured from the landing platform to the loft floor.
Handrails and Stairway Guards	Handrails and stairway guards shall comply with the International Building Code (IBC) and International Residential Code (IRC), adopted by the Town.
Ladder	Ladders accessing lofts shall have a rung width of not less than 12" (305 mm), and 10" (254 mm) to 14" (356 mm) of spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8" (9.5 mm).
Incline	Ladders shall be installed at 70 to 80 degrees from horizontal.
Alternating Tread Devices	Alternating tread devices shall not be used as an element of a means of egress. Alternating tread devices shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20" (508 mm). Exception: Alternating tread devices are allowed to be used as an element of a means of egress for lofts, mezzanines and similar areas of 200 gross sq. ft. (18.6 mm) or less where

	such devices do not provide exclusive access to a kitchen or bathroom.
Treads of alternating tread devices	Alternating tread devices shall have a tread depth of not less than 5" (127 mm), a projected tread depth of not less than 8 ½" (216 mm), a tread width of not less than 7 "(178 mm) and a riser height of not more than 9 1/2 inches (241 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projections of adjacent treads. The riser height shall be measured vertically between the leading edges of adjacent treads. The riser height and tread depth provided shall result in an angle of ascent from the horizontal of between 50 and 70 degrees (0.87 and 1.22 rad). The initial tread of the device shall begin at the same elevation as the platform, landing or floor surface.
Ship's ladder	Ships ladders shall not be used as an element of a means of egress. Ships ladders shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20". Except, Ships ladders are allowed to be used as an element of a means of egress for lofts, mezzanines and similar areas of 200 gross sq. ft. (18.6 mm) or less that do not provide exclusive access to a kitchen or bathroom.
Treads of Ship's Ladders	Treads shall have a depth of not less than 5" (127 mm). The tread shall be projected such that the total of the tread depth plus the nosing projection is not less than 8 ½" (216 mm). The riser height shall be not more than 9 ½" (241 mm).
Handrails of Ship's Ladders	Handrails shall be provided on both sides of ships ladders and comply with relevant sections of the IBC and the IRC, adopted by the Town of Rico.

	Handrail height shall be uniform, not less than 30" (762 mm) and not more than 34" (864 mm).
Loft Guards	Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 36" (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.
Emergency Escape and Rescue Opening	Tiny houses shall meet the requirements of the IBC for emergency escape and rescue openings. Except that Egress Roof Access Windows in lofts used as sleeping rooms shall be deemed to meet the requirements of IBC where installed such that the bottom of the opening is not more than 44" (1118 mm) above the loft floor, provided the Egress Roof Access Window complies with the minimum opening area requirements of IBC

SECTION 4: ADDITION OF A NEW SECTION 224 TO THE RICO LAND USE CODE

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect upon adoption and passage of the second reading.

SECTION 5: SEVERABILITY

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

SECTION 6: SAVINGS CLAUSE

The amendment of various provisions of the Rico Land Use Code by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right or duty established or accruing before the effective date of this ordinance.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by Town of Rico Board of Trustees this 17th day of July, 2019.

TOWN OF RICO

Zachary McManus, Mayor

Attest:


Linda Yellowman, Town Clerk

CERTIFICATE OF ATTESTATION

I, Linda Yellowman, Rico Town Clerk, hereby certify that Ordinance No. 2019-05, was introduced, read and passed by the Rico Board of Trustee on first reading on July 17, 2019. The Ordinance was published, in summary, in the _____ on August 21, 2019, and thereafter introduced, read and adopted by the Rico Board of Trustees on August 21, 2019, and thereafter published in the _____, as required by law.


Linda Yellowman, City Clerk