



**BOURBON COUNTY JOINT PLANNING OFFICE**

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DATE: February 16, 2022

TO: BOURBON COUNTY JOINT PLANNING COMMISSION

FROM: ANDREA S. POMPEI

RE: TINY HOME WORK GROUP FINDINGS

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Planning Commissioners,

In December 2021 – February 2022, the Bourbon County Joint Planning Commission convened a Work Group to investigate zoning issues as it relates to “tiny homes”. This task was in response to the issuance of a building permit for the installation of a tiny home on Stewart Street in Paris. To guide this group as objectively as possible, the Planning Commission partnered with Ed Holmes of EHI Consultants to research the considerations of tiny homes, and ultimately conclude these discussions with a recommendation to the Planning Commission.

In the research conducted by EHI Consultants, they were unable to find a jurisdiction that outright banned or prohibited tiny homes. In the Commonwealth of Kentucky, the Kentucky Building Code contains specific building code standards for tiny homes. When reviewing building permit applications, the Bourbon County Planning Office is bound by the minimum standards of the Kentucky Residential Building Code, which includes standards for constructing tiny homes.

In summary, the Work Group determined that prohibiting tiny homes may be interpreted as a discriminatory action by limiting the ability of property owners to construct affordable housing. Furthermore, it was determined that the overall concern of the Work Group had more to do with the aesthetic nature of the home in relationship to the character of the neighborhood rather than the size of the home. It was the consensus of the Work Group that a “revitalization overlay district” would be more appropriate for the West Side neighborhood and/or a design overlay district that could apply more broadly to the West Side and downtown Paris.

Before the Planning Commission commits more time and resources to drafting a zone text amendment for an overlay district, it is requested that these findings be taken to the City Commission and receive more direction on whether an overlay district would be supported by the local legislative body or not.

Sincerely,

Andrea S. Pompei  
Planning Administrator

## NOTES: November 17, 2021

### Regulatory Considerations for Tiny Houses

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#### CONTEXT:

The future of housing is being influenced by evolving demographics, increased urbanization, higher construction costs, and financially constrained consumers who nonetheless demand meaningful, walkable communities.

Today, a shower of innovation rains down on the housing designers and builders who sort through options that include prefabricated homes, modular building components, and low-carbon technologies that support sustainable development goals. **What will be built in 2021 and the decades that follow? Smaller homes? Tiny houses? Multi-generational housing? Micro units in high-rise rental towers? Accessory dwelling units?**

Recent years have seen increased popularity in tiny homes due to their low construction cost, energy efficiency, and potential impact on home affordability and ownership.

Tiny houses, generally categorized by the American Planning Association as a “single-family dwelling with 400 square feet or less of floor area” are most often constructed as chassis-mounted or foundation-attached. The low footprint of tiny houses allows flexibility in development with both:

- standalone infill and
- tiny house districts being feasible options.

Increased demand for tiny houses requires municipalities to create both zoning and building codes for these developments which often slip beyond regulatory oversight. Reasonable cause exists for regulating tiny houses including:

- highest and best use of land,
- enhancing community character, and
- ensuring infrastructure meets the demand of area residents.

These concerns can be balanced by fair regulation that maximizes the benefits of tiny houses, particularly as they can be used to provide housing for very-low or no-income residents and aging family members seeking to maintain some independence.

Tiny houses generally follow three construction methods:

- permanent
- pre-fabricated, or
- portable

**Permanent** tiny houses are fixed to a foundation and can follow the same review process as standard homes.

**Pre-fabricated** tiny houses are assembled on site from a kit before being fixed to a permanent foundation and require additional review to ensure design is up to the standards of local municipalities.

**Portable** tiny houses are mounted to a chassis and are intended to be a temporary structure that would most similarly follow the regulatory standards of mobile homes or RV parks **(this is probably not a feasible option for Paris and Bourbon County, given your current regulations regarding mobile homes).**

The most important consideration for tiny house permitting and construction should be:

- sufficient access to sewage, water, and electricity and
- floor plans that ensure sanitary conditions for occupants

Failure to regulate infrastructure could result in severe public health outcomes. Ensuring interior dimensions of a tiny home are reasonable accommodating and integrate with the surrounding aesthetics of the community.

Tiny houses offer a contemporary solution to affordable housing, accessible homeownership, and aging near family that can provide stability for vulnerable communities. They also provide options for eco-conscious residents seeking to minimize their carbon footprint. The easiest solution towards mitigating their impact is to proactively legislate a regulatory environment that balances benefits while ensuring communities are aesthetically pleasing.

Traditional regulatory methods can be employed such as:

- setback requirements and
- dwelling units per acre to ensure appropriate development context.

Ideally, regulation would be written to maximize the **flexibility** of tiny homes development and specifically addresses the contexts of **infill** and districts. These can be incorporated into a more expansive ADU ordinance or separate legislation of its own.

## **CONSIDERATIONS:**

### **Tiny Houses on Permanent Foundations:**

Considerations for tiny homes on permanent foundations, building codes, construction standards, land use and zoning codes should be developed to make sure it can be classified as a permanent single-family home or residence.

For a tiny home to be considered “tiny,” it must be 400 square feet or less, as considered by APA. This is important to start with the basic size considerations as an appropriate definition.

However, some local ordinances require that a tiny home be 1,000 square feet or more to be considered a “home.” This is frustrating for tiny house owners who want to create a small, eco-friendly residence.

While some places like Philadelphia or Sarasota County in Florida do not have size restrictions to consider a tiny home a “house,” most local ordinances find it to be illegal to build a home under a certain amount of square footage.

### **What Aspects of Tiny Houses are Considered Illegal?**

Tiny homes are not necessarily “illegal” on their own; rather, the trend of tiny homes out there that are so popular does not usually meet all requirements and regulations.

Tiny homes enter into a legal grey area due to distinction and definition.

There may be minimum standards that apply to electrical installation, plumbing, and waste removal, and even how kitchens and bathrooms are built. Depending on the location, different regulations may apply.

### **Tiny Houses on Permanent Foundations:**

If a tiny home will be structured on permanent foundations, there are several regulatory steps that should be adopted to get through the process to make sure that it can be classified as a permanent single-family home or residence. There may be minimum standards that apply to electrical installation, plumbing, and waste removal, and even how kitchens and bathrooms are built.

## **Building Codes & Requirements:**

A tiny home needs certain things to be considered a safe and legal environment or structure.

This means having enough ventilation, safe stairs, plenty of light and windows, as well as plumbing and electrical hookups to the city grid.

If a tiny home is considered a home, it may need to meet all local and state housing and building

### **Sources:**

Krista, E. (2018). Integrating Tiny and Small Homes Into the Urban Landscape: History, Land Use Barriers and Potential Solutions. *Journal of Geography and Regional Planning*, 11(3), 34–45.

Louisville Metro Government Department of Codes and Regulations. A Quick Guide to Permitting Your “Tiny Home” Project.

Mandelker D (2016). Zoning Barriers to Manufactured Housing. The Urb Lawyer. Was U St. Louis Legal Studies Research Paper.

Morley, D. (2017). Making Space for Tiny Homes. *Planning Advisory Service Quick notes*, (68).

Searching for Answers and Innovations in the Changing Housing Market - Ralph Bivins

### **Comments from Louisville Metro Planning Coordinator:**

“For tiny homes, the LDC (Land Development Code) is silent on addressing specifically, except possibly in the context of homes manufactured off-site/factory-built housing, see LDC 4.1.2. Manufactured homes essentially need to NOT look like manufactured homes. Otherwise, tiny homes are simply homes and subject to all other standards of the LDC – minimum lot size, density, and setback. The standard approach obviously does not work.”

“Tiny homes are on the LDC reform list for phase II. Ideally, we’ll get some regulations in place during the reform efforts.”

## **BENEFITS**

- Provides Affordable Housing
- Supports Sustainable Development
- Promotes Infill Development
- Low Construction Costs
- Energy Efficient
- Multi-Generational Use

## **CONCERNS**

- Limited Regulatory Oversight
- Building Codes and Enforcement
- Better Definition – Permanent, Pre-Fabricated and Portable/Mobile
- Lack of Design Standards
- Appropriate Locations and Site Selection
- Permitted Land Use and Zoning
- Legal Issues
- Protect Character of Neighborhoods