

Tiny house zoning regulations: What you need to know

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Find out which states are the most tiny house-friendly

By **Emily Nonko** | Sep 22, 2016, 11:30am EDT | **2 comments**



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Despite the growing enthusiasm for [tiny houses](#), it still isn't easy to legally build them for full-time use. Zoning laws and building codes, by and large, require a minimum square footage for new-construction homes, and progress to reduce that square footage is slow.

"There are only a handful of cities across the country that directly address tiny houses," says Alexis Stephens, the national coordinator for the [Tiny House Association](#) and the producer of [Tiny House Expedition](#). Stephens is making [a three-part documentary](#) about living legally in a tiny home after she found that "there's a lot of interest [in tiny living], but people are confused by the zoning codes and regulations, and feel intimidated to go to the city government."

Cities and towns that have started to accommodate tiny homes have typically been pushed by grassroots organizers asking government officials for changes to local building and zoning codes. The result is that tiny house ordinances are "so darn specific," as Stephens says, to the town or city they're approved in.



In that vein, here you will find a breakdown of the states across America where it's actually feasible to build the tiny house of your dreams and what you need to know before you do it. If you don't see your state on the list, the American Tiny House Association [rounded up regulations](#) for many states, as well as contact info for state chapter leaders. And there's always the option to [petition your own city](#) for tiny house-friendly zoning changes.

Types of tiny homes

There are two types of tiny homes: a tiny house on wheels, legally considered a recreational vehicle (RV), and a tiny house on a foundation, legally considered an accessory dwelling unit, or ADU. If you're building a tiny house on wheels, you'll need to register it as an RV with your state; in most states, a self-built RV will be inspected before it gets a license plate. Building an accessory dwelling unit, however, is more complicated.

So where can I live?

If you've registered your tiny house on wheels as an RV and plan to travel with it, you aren't dealing with zoning or building code concerns—you just need to find a place to park it. You could stay in a friend's backyard or park on their driveway (with permission, of course), or pay to stay at a camping or RV site. The latter will dictate how long you're allowed to stay there. Most states prohibit RVs as full-time residences in zones other than RV parks—but the rule is really only enforced if your tiny house on wheels is reported or complained about.

Building a tiny house on a foundation is trickier. Zoning and building regulations across the country prohibit you from buying land and building your own tiny house on it. Instead, you'll have to build an accessory dwelling unit, which means a secondary residential dwelling unit located on a single-family lot. (These units can be referred to as a carriage house, granny flat, mother-in-law suite, auxiliary unit, English basement, or cottage; ADU is the technical term.)

A collection of ADUs built around one larger structure is known as a tiny house community. Both ADUs and tiny house communities are only allowed in certain states, which we're about to get to.

Building codes versus zoning

It's important to understand the difference between building codes and zoning—both of which dictate and limit the construction of tiny homes. "Construction codes tell you how to build your house," explains Andrew Morrison, of [Tiny House Build](#). "Zoning depends on where you'll build your house."

Most of the country's local building codes have been adopted from the [International Residential Code \(IRC\)](#) for one- and two-family dwellings, which contains size specifications like rooms (except bathrooms and kitchens) must be at least 70 square feet, while ceiling height must be at least 7 feet.

Zoning regulations are based off more local factors, and determine the size requirements of your home based on what zone it's located in. You will need to call your local zoning or planning department to find that info. Many cities and counties, however, have a minimum size requirement of 1,000 square feet or more for construction of a new home on its own land, according to [Tiny House Community](#).

States with flexible building codes or zoning regulations

Even though the IRC and local zoning regulations are in place, a citizen can still apply for a variance through the local planning commission to build outside the existing codes. The states listed below have most progressive building codes, or they are home to the most interesting tiny house projects.

California

California is one of the best states for being a tiny-house enthusiast. In the counties of Alameda, Contra Costa, Lake, Mendocino, Napa, Sacramento, and Sonoma, tiny houses on wheels are allowed as "[caregiver dwellings](#)" in the backyard of a person who needs assistance. Just this year, [Fresno city zoning approved](#) tiny houses on wheels as backyard cottages *without* the requirement for the tiny house dweller to serve as a caregiver. This created a "ripple effect," as Stephens put it, with the planning commission in the town of Ojai currently [drafting amendments](#) for the same type of allowance.

Los Angeles has proven to be less progressive. Earlier this year, the city [agreed to return tiny houses](#) that were built for homeless people and seized by the police. But the mayor said he didn't support the concept of a tiny house village.

Colorado

There are a few towns in Colorado that have been open to tiny house amendments. In 2013, Walsenburg became the first town in the state to amend zoning regulations for tiny houses between 120 and 600 square feet. In the mountain town of Durango, an ordinance to allow ADUs in the East Animas City neighborhood was approved in 2014.

Florida

Some of the most progressive tiny housing zoning ordinances in the country were approved in Rockledge, Florida, two years ago. A citizen-led initiative led the city to consider [two appropriate zoning districts](#) for

tiny houses: redevelopment mixed use district (RMU) and planned unit development (PUD). The city also added definitions to distinguish tiny houses and tiny houses on wheels.

Today, both tiny houses on wheels and foundation are legal inside the city limits within two zoning districts that include community use. The Rockledge Tiny House Community will be a [Pocket Neighborhood](#) with homes ranging 150 to 700 square feet around shared park space.

Massachusetts

This year, a Nantucket resident started pushing for an amendment to the town's zoning bylaws for residents to start building tiny. The state's attorney general office is now expected to approve an amendment that would allow new residential construction under 500 square feet in several districts. (Tiny homes would need to include water, septic and electricity hookups and fitted to fixed foundations due to hurricane concerns.) If approved, Nantucket will officially be the first Massachusetts community to approve zoning that specifically allows for tiny houses.

Michigan

A tiny house population designed to house low-income residents is [now under construction](#) in Detroit. It is the first project of its type in the city, and required a community organization to work with the city on the appropriate zoning to build homes between 250 and 400 square feet. The first phase of construction is expected to wrap this fall.

New York

Although not a tiny *house*, New York City's [first micro apartment building](#) opened to residents this year. In effect, the mayor's office has relaxed zoning restrictions so that developers can now include apartments under 400 square feet in new development. While tiny cabins can be found throughout more rural areas of the state, no towns have officially adopted more lax zoning rules to allow for tiny house construction. Tiny houses that have [made news](#) in New York recently—three 160-square-foot modern ["Getaway" cabins](#) that can be rented out—are on wheels, meaning they would be registered as an RV.

Oregon

Consider Portland the best major city for tiny houses. The city allows for, and supports, the construction of accessory dwelling units. (Here's [a site](#) on how to build an ADU in Portland.) The allowance has allowed for everything from [tiny house communities](#)—in which a collection of tiny homes surround a larger structure—to a [tiny house hotel](#).

Texas

Two years ago the town of [Spur, Texas](#) declared itself the tiny house capital of America, with the local government voting to do away with nearly all building restrictions. The town has since attracted tiny house buildings, who must submit their tiny house design for approval and agree to connect to the electrical grid, water supply, and sewage system. Houses on wheels must also be placed on concrete foundations due to tornados.

Rules on ADUs were [recently relaxed](#) in Austin, and in Fort Worth, the planning commission is flexible with ADUs so far as they meet the city rules. Dallas regulates that ADUs can only be built via a special exemption.

Texas also has what's known as "unrestricted zoning ordinances," which Stephens explains as "more like the 'wild west'... there are no, or very loose, zoning guidelines and you're able to build as you see fit."

As you might guess, this (lack of) zoning exists in mostly remote, rural areas throughout the country. The tiny house community [Austin LiveWork](#) is an exception, as it's located 15 minutes outside of the city and is under no zoning governance. Builders are currently planning for tiny resident living over 10 acres of land.

The future of tiny houses

There's plenty of momentum to continue changing zoning regulations at the local level. But there's movement on the national level, too. Tiny house advocates are currently pushing to include [a tiny house code](#) in the International Residential Code (IRC) that would become a model code for all tiny houses used as a primary residence within the United States.

"Issues like ceiling heights, emergency escape egress and lofts are almost impossible to pass through the existing IRC code," says Morrison, who is behind [Tiny House Build](#) and also spearheading this proposal. Morrison considers tiny houses on wheels and ADUs "great steps forward," but, he says, "We need a national-level code [for tiny house building regulations]." If included, this new code would be integrated into latest IRC codes, set to go into motion in 2018.