



Planning And Zoning Commission Meeting Agenda

October 1, 2024 at 6:30 PM

601 Central Ave

If you wish to attend virtually, please visit the town website under the government tab for the zoom link: <https://townofdolores.colorado.gov>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Identification of Actual or Perceived Conflicts of Interest
5. Public Participation (5 minutes per person)

This is an opportunity for citizens to address the commission at this time or during a public hearing. Each person will have 5 minutes. The planning commission encourages public comment by the following sources: live at the town hall, virtually via zoom (see the town website for the link), or by submitting your comments, via email, to the town clerk at tammy@townofdolores.com any time before the dated board meeting.

6. Approval of the Agenda
7. Consent Agenda
 - a. Minutes of September 3, 2024 Regular meeting.
8. Staff Updates
 - a. September 9 and 23, 2024 Manager's Report: Leigh Reeves
 - b. Attorney's Report Jon Kelly
 - c. September 9, 2024 Building Official- Fire Marshal Report: David Douady
9. Commissioner Updates
 - a. September 3, 2024 Commissioner Report to the Board of Trustees
10. Public Hearings none scheduled.
11. Discussion/Decision

- a. Decide if the proposed accessory dwelling unit / structure conditional permit standards and processes amendment language is to be presented to the Board of Trustees for adoption.
- b. Discuss the Comprehensive Plan to identify the content that can be prepared in-house.

12. Future Agenda Items

These items are being retained on the agenda until the Commissioners and Staff have the capacity to discuss, plan or revamp.

-Comprehensive Plan Sub plans, Weed Management , Watershed Management, Hazards Mitigation.

-Public outreach and education.

-Continuation for developing a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager. This is carried over from July and August.

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13. Adjournment



PLANNING AND ZONING COMMISSION MEETING MINUTES

September 3, 2024 at 6:30 PM

601 Central Ave

If you wish to attend virtually, please visit the town website under the government tab for the
zoom link: <https://townofdolores.colorado.gov>

1. **Call to Order.** Chairperson Robinson called the meeting to order at 6:32 p.m.
2. **Pledge of Allegiance.** The group recited the pledge.
3. **Roll Call.** Present at the meeting were chairperson Robinson, Commissioners Powell, Tucker, Kelly, and Nemanic, and Ex Officio Peterson. Staff present were Manager Reeves, Nancy Dossall of S E H Inc, presenter, Elizabeth Garvin (via Zoom) planner, Attorney Kelly and Assistant Clerk Swope. Absent was Ex Officio Curry.
4. **Identification of Actual or Perceived Conflicts of Interest.** None stated.
5. **Public Participation (5 minutes per person).** No public attended the meeting.

This is an opportunity for citizens to address the commission at this time or during a public hearing. Each person will have 5 minutes. The planning commission encourages public comment by the following sources: live at the town hall, virtually via zoom (see the town website for the link), or by submitting your comments, via email, to the town clerk at tammy@townofdolores.com any time before the dated board meeting.

6. Approval of the Agenda

Commissioner Nemanic moved and Commissioner Kelly seconded to approve the agenda with the following amendments, move the Attorney report item to the public hearing item for advisement in the public hearing process. Change the recurring phrase in item 12 to say, "both staff and Commission have capacity".

7. Public Hearings.

7.1 Dolores Fire Protection District Subdivision application.

a. Public Hearing.

10. b. Attorney's Report Jon Kelly. *(This item was moved to the public hearing for the purpose of advisement from the attorney on the matter of the public hearing process.)*

See attached in packet,

the application,

the applicants letter requesting a subdivision,

the staff report the preliminary plat,
and the public notices and proof of mailing to neighbors.

The Chairperson opened the public hearing at 6:38 p.m. Nancy Dosdall from S E H Inc. presented the application, the preliminary plat, the staff report and the findings. There was no public in attendance and the public hearing closed at 6:57 p.m.

Commissioner Tucker asked if the property could be sold and redeveloped in the future. Attorney Kelly says there will be an ordinance presented to the Board of Trustees that will contain reverter clause for the property to be returned to the town if the Fire Department ever moves away.

The Commissioners recommend to the Board of Trustees to approve the preliminary plat for the Fire Department Subdivision with the following findings and conditions and motion with votes:

Chairperson Robinson moved and Commissioner Kelly seconded to recommend that the Town Board approve the preliminary plat for the Dolores Fire Protection District Subdivision on property located in the N1/2 of Section 16, T37N R 15W, NMPM, as submitted by the Dolores Fire Protection District, following findings and conditions:

Findings:

1. The physical arrangement of the subdivision is appropriate for the terrain, existing and proposed lands uses and zoning.
2. The street right of way and alignment is appropriate for the proposed subdivision with the proposed dedication.
3. With the conditions below, easements are adequate for the existing and any proposed future uses.
4. The proposed subdivision meets all requirements of the land use code and comprehensive plan.
5. The notice of public hearing was published in the newspaper and on the town website, posted on site and in the town hall public posting board, and mailed to the 250-foot neighbors on August 15, 2024.

Conditions:

1. All requirements of utility providers, Town departments, CDOT and affected districts must be satisfied, as outlined in adopted Town Codes and other regulatory documents.
2. Prior to recordation of the final plat, the plat shall be revised to dedicate easements for existing gas lines.
3. Prior to recordation of the final plat, the plat shall be revised to ensure the southern portion of the property line between lots 2 and 3 is adequate for Town sewer needs and the northern boundary has adequate easements for the water main.
4. The ordinance required for this land transfer includes a revert clause in the event the Fire Protection District ever moves away.

Yes: Robinson, Tucker, Nemanic, Kelly and Powell.

No: none

In addition to these conditions and findings was the local gas company's request to include the gas lines within the subdivision on the final plat.

8. Discussion

- a. Proposed language for Mixed use districts and accessory structures and accessory dwellings. Planner Garvin to present.

Planner Garvin presented the proposed language that allows conditional permits for accessory dwelling units and accessory structures in the mixed-use zones and multi-family zones. The applicability and purpose are defined and the procedure section for conditional use permits directs the commission and staff on the decision criteria and specific determinations.

Planner Garvin also presented definition and terms for tiny houses and tiny homes to be added to the Definitions in the Land Use Code in Article 2 of the Land Use Code.

the Commission directed the staff to proceed to creating an ordinance amending the Land Use Code with the language presented at the meeting. Planner Garvin will work with Attorney Kelly to prepare the ordinance.

9. Consent Agenda

- a. Minutes of August 6, 2024 Regular meeting.

Commissioner Nemanic moved and Commissioner Kelly seconded to approve the consent agenda consisting of the Minutes of the August 6, 2024 meeting.

Yes: all

No: none

10. Staff Updates

- a. August 2024 Manager's Reports: Leigh Reeves. Manager Reeves updated the Commissioners on all the ongoing projects and meetings taking place during August. The managers' report for the August meetings are in the packet. The Commissioners have really appreciated receiving the managers' report.

- b. Attorney's Report Jon Kelly- moved to the public hearing portion of the meeting above.

- c. August 2024 Building Official- Fire Marshal Report: David Doudy. The report is in the packet. No questions were brought up. The Commissioners did ask for an update on the Erosion Control activity in Breanna Lane. Turns out that the work was done without permits from the town planning department or the Army Corps of Engineers. Pertaining to weeds rubbish and trash nuisances, the Board of Trustees has directed staff to create a more definitive weed violation notice for next round of compliance notices. The goal is to manage weeds and keep the frontage of town looking maintained.

Manager Reeves is working with local groups on grant applications for developing a regional hazard mitigation plan. The grant could be as much as \$400,000.

11. Commissioner Updates

- a. Commissioner Powell offered the most recent communique with History Colorado. The office has created a new position called “engagement Specialist” which will assist property owners in registry and grant applications. In September the History Colorado office will be sending staff to Dolores to reach out to property owners who may be interested or eligible for the registry or for tax credits.

12. Future Agenda Items

These items are being retained on the agenda until the Commissioners and Staff have the capacity to discuss, plan or revamp.

-Comprehensive Plan Sub plans, Weed Management , Watershed Management, Hazards Mitigation.

-Public outreach and education.

13. Adjournment the meeting was adjourned at 8:15 p.m.

Linda Robinson, Chairperson

Ann Swope Assistant Clerk

Town Manager's Report

Date: September 7th, 2024

To: Board of Trustees

From: Leigh Reeves

- New Townhall – We are pouring new concrete with ADA compliant sidewalks around the building. We need to remove some of the asphalt. We will be laying curb and gutter along 6th St to the west of the building. We will be putting in new asphalt and repainting the parking lot. We will have a one-way entrance so we can accommodate large trucks, so we will be parking at an angle. Ken and I are working on a supplemental to our original grant from DOLA to cover half the expense. Part of this money will go to the contractor we worked with for project management to get the asbestos removed and the old town hall taken down.
- P&Z – You have the review of the FPD plat included in the packet. The Commissioners recommended moving forward with approval for this request. We will have a resolution/ordinance to insure we have right of first refusal if the FPD ever decides to vacate the property in perpetuity. Additionally, we will be working on language with Elizabeth Garvin on the two issues we discussed at the last meeting. 1.) If a home is destroyed in a CMU/DMU location it can be rebuilt as a home. 2.) if the property becomes unusable and/or unsaleable because of our code which should variance process.

- Mike Wight of GOCO and I met on Tuesday for final discussion/comments on the grant application. We will be submitting the final grant by September 12th, and Peer review early October. The peer group makes a recommendation to the full board and then we will have a 3-minute presentation opportunity on November 7th by Zoom to the Full Board. If we make it to the Full Board presentation, we are pretty sure we will get the grant.
- We have received positive feedback about the removal of two of the three speed bumps on 4th St. We have also had a few more people cut their weeds.
- We will look at Ordinance 579, which refines the special event permit process. This ordinance grants the board greater flexibility, aligning with a more adaptable town ordinance structure.
- Before you will be Ordinance 580, which expands our festival liquor licensing rules, attracting a wider variety of vendors. This ordinance also paves the way for economic development, ensuring that we are prepared and proactive when opportunities arise.
- O581 fulfills the wishes of the citizens by transferring ownership of the fire department property to them, while also ensuring that the town retains the right of first refusal if the FPD decides to relocate.
- Resolution 617, Series 2024: This was created in conjunction with the help of Ken Charles. The board has already approved the overage for the abatement, demolition and remodeling of the new townhall. This supplemental request may help us cover 50% of the overage cost.

- Resolution 618, Series 2024: This is to approve the purchase of a final piece of equipment we need to run our maintenance department. This new piece of equipment will replace a dump truck and general use truck. Our current truck is from 2003, it no longer will shift into 4th gear and burns a quart of oil each week. This piece is critical as it will function as a dump truck and can also haul a trailer. There is a brand new 2023 available for \$71K but if we wait it will be \$91K next year. This should have been budgeted for this year but was somehow overlooked in last year's budget process. We have received \$45K from equipment we have sold this year. That will cover more than half the cost.
- Nina Williams and DWR need a letter of support for her grant request package. Additionally, she will be applying for financial support in this year's round of funding requests from the Town of Dolores. For those of you that are new, every year we give funding to several non-profits, such as four corners recycling. I will ask Nina to come to our next workshop to get a better understanding of the grant request.
- I have learned the basics of our accounting software and with help from technical support at Ampstun I am happy to report I have paid all of our current bills. I am working to present our budget in October, as well as have a better financial picture of the DCC budget vs actual. For those of you that don't know the details of my background, I have BS in Business and an MBA, with an emphasis in Accounting and Marketing. As a result, I might not know the software well yet, but I have an understanding of general accounting principles.
- I will be on vacation in Italy, September 21st through 28th. Jon will be running the next workshop and board meeting. I will create the agenda and my manager's report before I leave. Please call prior to September 21st with questions.

Town Manager's Report

Date: September 18th, 2024

To: Board of Trustees

From: Leigh Reeves

- New Townhall – We are pouring new concrete with ADA compliant sidewalks around the building. The bollards are in so no one can hit the building again. Hopefully the concrete will be poured before our meeting on the 23rd.
- P&Z – You have the review of the FPD plat included in the packet. The Commissioners recommended moving forward with approval for this request. We will have a resolution/ordinance to insure we have right of first refusal if the FPD ever decides to vacate the property in perpetuity.
- We submitted the final GOCO application on September 11th, for \$776K. We will know by the end of the 2nd week of October if we are moving on to the final board review. The American Ramp Company called me, they have space in their schedule to do some of the work on the skate park in December. I am not sure we can move that fast but it is good to know.
- Before you on Monday will be the 2nd reading of Ordinance 579, which refines the special event permit process. We will have a public hearing this evening. This is part of the modernization of Ordinances we discussed at the Board Retreat. This ordinance grants the board greater flexibility, aligning with a more adaptable town ordinance structure.

- Before you will be Ordinance 580, 2nd reading and public hearing, which expands our festival liquor licensing rules, attracting a wider variety of vendors. This ordinance also paves the way for economic development, ensuring that we are prepared and proactive when opportunities arise.
- Ordinance 581 fulfills the wishes of the citizens by transferring ownership of the fire department property to them, while also ensuring that the town retains the right of first refusal if the FPD decides to relocate. This will be the 2nd reading and public hearing for this action.
- Also, Resolution 622 is a letter of support for the Grant action listed below. This will help DWR achieve the goal of a study on the upper Dolores River.
- Nina Williams and DWR need a letter of support for her grant request package. Additionally, she will be applying for financial support in this year's round of funding requests from the Town of Dolores. For those of you that are new, every year we give funding to several non-profits, such as four corners recycling. Nina will be here on Monday, Sept 23rd. She will be discussing the CWCB (CO Water Conservation Board) grant needed to provide a WRAP (Wildlife risk reduction, reliability, and asset protection project. It is a \$400K grant to study the upper Dolores.
- Michele Furi will also be joining the workshop to give an update on the Montelores Coalition's work toward land conservancy while encouraging recreational activities to promote economic development in the area.
- Working with the Mayor on understanding our expenses and ensuring we have two signatures on each check that gets paid. Upon my return from vacation, I

will be solely focused on budget 2025. I have found some errors in the data that need to be corrected for a more accurate budget analysis.

- While we don't have a formal treasurer's report, I can share that July's sales tax collection was \$111,405.78, which is a significant increase from our typical summer figures in the \$90K range. I will have a treasurer's report for the next meeting.
- The town has also accepted the resignation of RJ Cross, a long member of the team. He will be moving on to Texas where he will work in the power industry. If you would like to wish him well his last day is Wednesday, Sept 25th. He can be reached at RJ@townofdolores.com. He will be sorely missed by all. Unfortunately, we could not pay him enough to keep him in town.
- I will be on vacation in Italy, September 21st through 28th. Jon will be running Monday's meeting and workshop. Please call by Friday if you have any questions.

Town board September 9, 2024

Building Official/Building Inspector report

Current projects:

1. #1141 – Final
2. #1157 - Final
3. #1116 – Drywall inspection
4. #1111 – Building Final
5. #1148 - Final

New permits: Three permits - \$1,144.34

1. #1155 – Demo Permit for a garage
2. #1156 – Roofing permit
3. #1157 – Roofing Permit

Consultations - Phone and in person

38 Phone and in-person

Construction Inspections

12 construction inspections of permits issued.

Future projects on the horizon:

No new projects currently

Business Inspections

Three – With the completion of a couple of projects I am back on track with annual business inspections.

Food trailer/truck inspections

2

STR Inspections

One Annual

We now have 18 STR's in town as we had two who turned their permits back in. We will continue to reduce the number of STR's until we are down to 15.

Internet Technology

We are waiting on the last components of the AV/IT upgrade to the board room

SPECIAL PROJECTS

1. Flanders Park Bathroom
 - a. All block walls are completed.
 - b. The sidewalks and ramps are being poured this week.
2. Electrical issues in Joe Rowell Park
 - a. We are still waiting for the final electrical panels to finish up at Joe Rowell Park.
3. 420 Central Remediation project – The demo is completed, and town crews will be installing the new sprinkler system and planting grass in the building footprint.
4. 601 Central – New Town Hall – Work is progressing on the sidewalks and accessible ramps. We have bids for repaving the parking lot once the concrete work is finished.

STR's

We now have 18 STR's in town as we had two who turned their permits back in. We will continue to reduce the number of STR's until we are down to 15.

There are three applicants on the waiting list for when there is an opening for a new permit.

Compliance issues

The town has been having issues with large amounts of grease entering the sewer plant screens. I have begun an investigation and inspection program for those businesses that have,

or should have, grease traps. To date, I have found two that do not have grease traps and they have been informed that they will have to have grease traps installed.

Report to the Board of Trustees on the
 Planning & Zoning Commission meeting held
 September 3, 2024

Discussions of potential interest to the Board and items for upcoming P&Z meeting agendas:

Agenda Item/Description		Discussion
8.	Discussion	<p>Planner Garvin: Proposed language for mixed-use districts and accessory structures and accessory dwellings. The proposed changes added specificity to the LUC’s language and cross-referenced the Town’s goals, as identified in the Comprehensive Plan. The proposed language expands the permitted places for ADU’s, and adds a couple of conditions that qualify to seek conditional use permits. Planner Garvin also recommended adding definitions that would reduce misunderstandings based the use of works or phrases that have very specific meanings in the context of municipal planning.</p> <p>P&Z voted unanimously that the Board of Trustees adopt the recommended changes, asking that Planner Garvin work with Attorney Kelley to develop an ordinance incorporating the language.</p>
U	Commissioner updates	<p>Commissioner Powell updated the commissioners on the proposed visit by History Colorado staff on September 17 or 18. The HC staff members are willing to make a for a multi property to advise property owners on opportunities available to them and the procedures for accessing those opportunities.</p>
12	Parking Lot / Future agenda items.	<ol style="list-style-type: none"> 1. Updates to the Town’s Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward. Attention focused on ensuring “representative” community involvement 2. Updates to subplans linked to the Town’s Comprehensive Plan, including: funding, weed management, watershed management, hazards mitigation, etc. 3. Discussion of possible revisions to LUC language for non conformities in mixed-use districts 4. Finalizing review of proposed changes to LUC on conditional use permits in CMU, permitted places for ADU’s, and additional definitions. 5. Public outreach and education 6. Parking in town

Dolores Accessory Dwelling Unit and Accessory Use or Structure LUC Updates

1. Amend Table 4.3 as follows:

Table 4.3: Accessory Uses	LL	ae	R1	ae	MR	MH	CB	CH	L1	ae	P	R	R35	Add. Use Stand.
	R	w		w	F	P	1+			w		10		
	R1	R2	NR 1	NR 2	NR 3	M HP	D M U	CM U	IN D	P1	P2	R 10	R 35	
Key	/P/ Permitted, /PL/ Permitted with Use Limitations, /-/ Not Permitted /C/ Conditional Use Review													
Dwelling														
Accessory Dwelling Unit [1]	P	P	P	C	C	--	C	C	--	--	--	P	P	Sec. 4.6.A
Caretaker or guard residence, accessory Shelter [2]	--	--	--	--	--	--	=	--	P	--	P	--	--	
Short-Term Rental	P	P	P	P	P	P	P	P	P	--	P	--	--	
General														
Accessory Use or Structure	PL	PL	PL	PL	PL	--	PL	PL	PL	--	--	PL	PL	Sec. 4.5.B
Drive-Thru	P	P	P	P	P	P	C	C	P	--	P	P	P	Sec. 4.6.B
	--	--	--	--	--	--	--	P	--	--	--	--	--	Sec. 4.6.D

2. Amend Section 4.6.A as follows:

4.6. A. Accessory Dwelling Units

1. Applicability

Accessory dwelling units (ADUs) in applicable zones are permitted as follows:

(a) ~~In the LL1, LL2, and NR1 districts: on any parcel where One ADU per lot is permitted with a single-unit detached dwelling unit or duplex, is permitted or currently exists.~~ Where each duplex unit is on an individual lot, each lot may have an ADU.

(a)(b) In the NR2, NR3, DMU, and CMU districts: One ADU is permitted on lots with a single-unit detached dwelling only.

2. Ownership and Occupancy

- (a) The property owner shall live in either the primary or accessory dwelling unit.
- (b) The accessory dwelling unit shall not be sold separately or subdivided from the primary dwelling unit or lot unless both lots created by the subdivision conform to the minimum lot size for the zone district where located.

3. Dimensional Standards and Location

- (a) All new and existing ADUs must be located in a habitable structure that meets applicable Town building and life safety codes. ADUs shall not be located in:
 - (1) Non-habitable areas within buildings or accessory structures (e.g., shed, garage),
 - (2) Commercial (office/retail) or industrial (warehouse) spaces, or
 - (3) Outdoors in a temporary structure (e.g., tent, yurt, treehouse, or other similar structure) or in a recreational vehicle, mobile home, travel trailer, commercial or passenger vehicle or trailer, or any portable storage unit.
- (b) ADUs must have separate water and sewer taps.
- (c) ~~One accessory dwelling unit is permitted per residential lot.~~ The ADU shall be located on the same lot as the primary unit and the primary unit must be constructed prior to the accessory dwelling unit.
- (d) Accessory dwelling units may be internal or attached to the primary dwelling unit or separate, detached accessory dwelling unit that may or may not be attached to a detached garage.

3. Amend Section 13.11 as follows:

Section 13.11 Conditional Use Permits

A. Purpose

A conditional use is a use that may or may not be appropriate in a given zone district depending upon the circumstances and the conditions imposed upon the approval of the use. The conditional use permit process allows the Town to consider and establish appropriate conditions to reasonably mitigate adverse impacts of the use upon the proposed site and surrounding properties.

B. Applicability

1. Conditional use permits may be approved for the uses indicated as conditional uses in Tables 4.1 and 4.3 for the applicable zoning district. Any change or expansion of an approved conditional use shall require application for a new conditional use permit.
2. A conditional use permit may not be used to change the maximum density or intensity allowed in the underlying zone district. Accessory dwelling units are exempt from the density calculation for any lot.

C. Procedures

1. Common Procedures

The common procedures for conditional use permits are identified in Table 13.2 and are summarized here for applicant convenience.

2. Specific Procedures

- (a) The Zoning Administrator shall distribute the complete conditional use application to appropriate referral agencies, which may include the following:
 - (1) Electric power association
 - (2) Dolores School District
 - (3) Dolores Fire Protection District
 - (4) If the property on which the proposed conditional use is located is within a potential hazard area, Colorado Geological Survey comment may be requested.
 - (5) If the property on which the proposed conditional use is located is within a wildlife habitat area, Colorado Parks & Wildlife comment may be requested.
- (b) Notice Requirements
 - (1) Published notice of the P&Z public hearing shall be provided at least 10 days prior to the hearing. date.



- (2) Mailed notice of P&Z public hearing shall be provided at least 15 days before the hearing date.
- (3) Published notice of the Board of Trustees public hearing shall be provided at least 15 days before the hearing date.

D. Decision Criteria

When considering an application for conditional use permit, the Planning and Zoning Commission and Board of Trustees shall consider whether the application complies with following criteria:

- (a) The proposed use is consistent with the Dolores Comprehensive Plan;
- (b) The proposed use complies with all applicable provisions of the LUC;
- (c) The proposed use will not have a negative impact on the value of surrounding property or the general neighborhood;
- (d) The location and size of the use, the nature and intensity of the operation involved or conducted in connection with is, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of neighborhood property in accordance with the applicable zoning district regulations. In determining whether the use will dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature, and height of buildings, structures, walls, and fences on the site; and
 - (2) The nature and extent of the proposed landscaping and buffering on the site.
 - (3) Whether adequate utility, drainage, and other necessary facilities have or will be provided; and
 - (4) Whether adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

4. Amend Section 2.6, General Definitions to include the following, in alphabetical order:

“Tiny home” means a structure that meets the following, unless provided otherwise by C.R.S.:

- (I) Is permanently constructed on a vehicle chassis;
- (II) Is designed for long-term residency;
- (III) Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
- (IV) Is not self-propelled; and
- (V) Has a square footage of not more than four hundred square feet.

A tiny home is not:

- (I) A manufactured home as defined in C.R.S. 24-32-3302(20),
- (II) A recreational park trailer,
- (III) A recreational vehicle,
- (IV) A semitrailer, or
- (V) An intermodal shipping container.

“Tiny house” means a modular factory built residential structure not built on a permanent chassis that is 400 square feet or less; designed for long-term occupancy; built to the International Residential Code; and attached to a permanent foundation.