

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

MEMORANDUM

TO: Mayor Paul Soglin

FROM: John W. Strange, Assistant City Attorney

RE: Regulation of tiny house village proposed for 2046-2050 E. Johnson St.

Date: May 5, 2014

You requested a memorandum explaining steps taken to address the regulatory questions you raised last week relative to the unique nature of the tiny house village proposed by Occupy Madison, Inc. at 2046-2050 E. Johnson Street.

Staff from the Office of the City Attorney, Building Inspection, Zoning, Public Health Madison & Dane County, the Madison Fire Department, and the Madison Police Department met to discuss additional definitions and conditions that would assist the City in regulating the proposed development. During these meetings, staff also laid the groundwork for a regulatory structure that would be codified into city ordinance.

1. Regulatory Conditions Contained in Staff Report of April 18, 2014

As you know, the April 18, 2014 Planning Division Staff Report (Legistar File # 33390) details the proposed rezoning of the property at 2046-2050 E. Johnson Street from Neighborhood Mixed Use (NMX) to a Planned Development (PD). If the proposed rezoning is approved by the Common Council, it will contain numerous conditions of approval that will regulate the individual houses and the entire site. It also vests continuing jurisdiction in the Plan Commission.

2. Definitions

One challenge is how to fit a “tiny house” into our existing regulatory structure. Staff agreed that going forward “tiny houses” should be defined as “portable shelters”, and that the “residential cooperative village” village should be defined as “portable shelter communities”, with the following definitions:

Portable Shelter. Any movable living quarters, no more than 150 square feet in area, used as an individual’s permanent place of habitation. For purposes of this definition, a permanent place of habitation is established when an individual lives in a portable shelter for four (4) consecutive months.

Portable Shelter Community. Any site, lot, parcel, or tract of land designed maintained, intended or used for the purpose of supplying a location or accommodations for more than three (3) portable shelters and shall include all buildings included or intended for use as part of the Portable Shelter Community. A “portable

shelter community” shall not include a “portable shelter mission.”

3. Additional Conditions of Approval

Additionally, staff agreed that the following conditions should be added to the conditions of approval recommended by the Plan Commission:

- a) The applicant shall comply with all future city ordinances regulating portable shelter communities, including obtaining any necessary licenses and permits required to own or operate a portable shelter or portable shelter community.
- b) The applicant shall allow any public official presenting proper identification to conduct lawful inspections of the portable shelter community and the manufacturing facility.
- c) Portable shelters shall have address unit numbers as assigned by City Engineering.
- d) Shelters shall have a standard 32” x 78” door.
- e) No open flame cooking devices are permitted within the shelter.
- f) If wired, all portable shelters constructed at the subject site shall be wired in a method/manner consistent with Chapter 3 of the National Electrical Code.
- g) All woodworking, metal work and related fabrication activities shall occur within completely enclosed buildings and outdoor work shall be limited to attached the roof and final assembly and finishing activities that follow attachment of the roof.

Staff plans to share these recommended definitions and conditions with Alders Resnick and Zellers (both of whom are on Plan Commission) and with Alder Palm for consideration to introduce from the floor tomorrow night.

4. Ordinance regulating Portable Shelter Communities

Staff agreed that the portable shelters and portable shelter communities bear many similarities to Mobile Homes and Mobile Home Parks. Staff believes that the best way to regulate Portable Shelter Communities is to create an ordinance regulating them similar to how the City regulates Mobile Homes and Mobile Home Parks in Sec. 9.23, MGO. Most importantly, this will allow the City to incorporate those important regulatory principles of building, fire, and health safety that will make sure the portable shelters are safe for habitation. Furthermore, the ordinance would create a license and permit system that will ensure accountability on behalf of owners, and lay out a clear enforcement mechanism in the event the ordinance is violated. Occupy Madison, Inc. would be subject to the requirements of this ordinance, which I believe could be ready for introduction by the next Common Council meeting.