



AGENDA REPORT
December 4, 2018

Public Hearing, Re: Tiny House on Wheels Construction Standards Ordinance

SUBJECT:

Public Hearing, Re: Code revision to Chapter 22 adding a new Article X "Tiny Houses on Wheels" establishing minimum construction and installation standards for tiny houses on wheels used as full time or permanent residential use.

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to adopt the Tiny House on Wheels Construction Standards Ordinance amending Chapter 22 Building and Building Regulations by adding a new Article X, "Tiny Houses on Wheels".

SUMMARY EXPLANATION and BACKGROUND:

The proposed ordinance amends Chapter 22 of the County Code of Ordinances by adding a new Article X "Tiny Houses on Wheels". Tiny houses on wheels (THOWs) are currently considered recreational vehicles (RVs) and as such must comply with Brevard County Zoning regulations for placement and use of RVs. THOWs intended for use as full time residences are not addressed by State or local laws or rules, and due to size constraints and the portable/vehicular nature of THOWs, they do not fall within Florida Building Code construction standards. Therefore, a separate set of construction standards are necessary to regulate THOWs used for permanent residences. The intent of this legislation is to provide minimum construction and installation standards for Tiny Houses on Wheels for use as permanent residences.

The Board at the May 8, 2018 meeting tasked staff with preparing ordinance changes to the County Code to allow Tiny Houses for use as permanent residences, including Tiny Houses on Wheels (THOWs). At this meeting staff presented a report outlining information on tiny houses that included options for regulating Tiny Houses on Wheels (THOWs) used for full time residential use. Three options were offered to include minimal regulation, moderate regulation, and most regulation of THOWs. The board opted for the most regulation option, which includes standards for utility connections and anchoring and

tie down of THOWs, and establishes minimum construction standards for THOWs in order to safeguard the public health safety and welfare.

Staff research for construction standards for tiny houses on wheels included gathering stakeholder input from local tiny house builders. Our research revealed that the American National Standards Institute (ANSI), ANSI A119.5 standard is the best fit for THOW construction regulation. The ANSI standard provides fire and safety criteria and minimum standards for plumbing, electrical, and fuel gas system and equipment installation. ANSI A119.5 provides reasonable standards for living areas such as kitchens and bathrooms and lofts and provides structural construction requirements for floors, walls, roof, and stairway/ladders. Discussions with the local tiny house builders also keyed in on how to verify THOWs meet the ANSI standards. The conclusion was that certification by a Florida Registered Professional Engineer that THOWs meet ANSI A119.5 was the best solution.

Local tiny house builders/stakeholders have been included in the process of drafting the ordinance and have indicated favorable support of the ordinance presented in this request. (See attached copies of emails from the tiny house builders). The proposed ordinance was also presented for review to the BCAC on November 14, 2018 who recommended approval and to the LPA on November 19, 2018 who also recommended approval.

The proposed ordinance further provides for permitting, inspection, certificate of occupancy issuance process for THOW installations and penalty provisions for violation of the Tiny House Article. The tiny house ordinance provides for the reasonable protection for the health, safety and welfare of the public.

Contact: Mike McCaughin (321)633-2072 Ext. 56307, mike.mccaughin@brevardfl.gov.

ATTACHMENTS:

Description

- ▣ **Tiny House on Wheels Construction Standards Ordinance**
- ▣ **Stakeholder Input responses**
- ▣ **CAO Sign off Sheet**
- ▣ **Legal Ad**

From: [Mike Cheatham](#)
To: [Mccaughin, Michael K](#)
Subject: Re: Tiny House ordinance
Date: Tuesday, November 6, 2018 5:49:10 PM

Happy Tuesday Mike.

I think this is a fair request and I appreciate the transparency.

From: "Mccaughin, Michael K" <Mike.Mccaughin@brevardfl.gov>
Date: Tuesday, November 6, 2018 at 10:35 AM
To: "Michael Cheatham (mike@movableroots.com)" <mike@movableroots.com>
Subject: Tiny House ordinance

Mike,

Attached please find a copy of the draft ordinance establishing tiny house on wheels construction and installation standards. You will see some changes have been made from previous versions as this process has evolved. Key changes include removal of the reference to third party certification of tiny houses and the inclusion of provisions for permitting, inspection and certificate of occupancy issuance as well as penalties for violation of the ordinance.

After consulting with the County Attorney's office we determined that there is no real accountability for any of the third party entities. This question was also a concern because there was not a consensus between local tiny house builders, including yourself, as to which third party entity should be considered, therefore the reference to third party certification was removed and certification that tiny houses meet ANSI A119.5 must be by a Florida Registered Professional Engineer.

We intend to present the ordinance for adoption at the County Commission meeting on December 4, 2018 along with the companion zoning ordinance.

Thanks,
Mike

Michael McCaughin
Chief Building Official
2725 Judge Fran Jamieson Way, Rm. A114
Viera, Fl. 32940
P: 321.633.2072 Ext. 56307
mike.mccaughin@brevardfl.gov

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

From: [Brett Hiltbrand](#)
To: [Mccaughin, Michael K](#)
Subject: RE: Tiny House Ordinance
Date: Tuesday, November 6, 2018 12:25:30 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Michael

Thank you for sending me this advance copy. I jumped right on this when I saw it. Kudos to all the entities involved in writing this. The third-party inspection was a concern of mine as well. We use RVIA, which is the only certification agency of any stature in our opinion, but they are still lacking in many ways, mainly in structural issues especially how it relates to Florida's wind requirements. We are the only tiny house manufacturer that uses a PE to my knowledge. We mainly use them for our code compliant tiny homes (CCTH) on foundation. I'm not sure if our PE's would seal one of our THOWs even though we follow ANSI A119.5. My thinking is that we would need to have them make inspections throughout the building process. I guess we need to start paying for that service when sending a THOW to Brevard which we would gladly do.

On another note. I thought the tiny house zoning was being approved next Tuesday. Is that the second reading for approval and the final approval will be in December?

Thanks again,



Brett Hiltbrand, CEO

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w: CornerstoneTinyHomes.com
e: Brett@cornerstonetinyhomes.com
a: 1687 Timocuan Way, Suite 101, Longwood, FL 32750

Follow us:



From: Mccaughin, Michael K <Mike.Mccaughin@brevardfl.gov>
Sent: Tuesday, November 6, 2018 10:33 AM
To: 'Brett@cornerstonetinyhomes.com' <Brett@cornerstonetinyhomes.com>
Subject: Tiny House Ordinance

Brett,

Attached please find a copy of the draft ordinance establishing tiny house on wheels construction and installation standards. You will see some changes have been made from previous versions as this process has evolved. Key changes include removal of the reference to third party certification of tiny houses and the inclusion of provisions for permitting, inspection and certificate of occupancy

issuance as well as penalties for violation of the ordinance.

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AD#3262323, 11/22/2018

PUBLIC HEARING NOTICE

The Brevard County Board of County Commissioners will meet on Tuesday, December 4, 2018, at 5:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Building C, Commission Room, to consider the following item: An ordinance of Brevard County, Florida, amending Chapter 22, Buildings and Building Regulations, of the Brevard County Code of Ordinances; specifically creating a new article, Article X, Tiny Houses on Wheels; providing for minimum construction and installation standards for Tiny Houses on Wheels used as Permanent Residences; providing for conflicting provisions; providing for severability; providing for an area encompassed; providing for an effective date; and providing for inclusion in the Brevard County Code of Ordinances. All persons for or against said items can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of this proceeding is made, at his/her expense, which record includes testimony and evidence upon which any appeal is to be based. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than five (5) days prior to the meeting at 633-2069 for assistance. Planning & Development Department - By Jennifer Jónas, Special Projects Coordinator II.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 6, 2018

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2018-28, which was filed in this office on December 6, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 5, 2018

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Mike McCaughin

RE: Item H.3., Ordinance for Tiny Houses on Wheels (THOW) Construction Standards

The Board of County Commissioners, in regular session on December 4, 2018, conducted a public hearing and adopted Ordinance No. 18-28, providing for minimum construction and installation standards for THOWs as permanent residences, creating Article X, Tiny Houses on Wheels Construction Standard. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

A handwritten signature in cursive script that reads "Tammy Rowe".

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

ORDINANCE NO. 2018 - 28

AN ORDINANCE OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS," OF THE BREVARD COUNTY CODE OF ORDINANCES; SPECIFICALLY CREATING A NEW ARTICLE, ARTICLE X, "TINY HOUSES ON WHEELS"; PROVIDING FOR MINIMUM CONSTRUCTION AND INSTALLATION STANDARDS FOR TINY HOUSES ON WHEELS USED AS PERMANENT RESIDENCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES.

WHEREAS, the Board of County Commissioners recognizes the need to address the new and growing housing trend known as "tiny houses on wheels"; and

WHEREAS, the Board of County Commissioners desires to allow tiny houses constructed on wheels to be used as permanent residences within the unincorporated areas of Brevard County; and

WHEREAS, the Board of County Commissioners has determined that, as currently treated, tiny houses on wheels are not subject to the appropriate levels of regulation necessary to ensure the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners desires to provide reasonable regulations for the construction and placement of tiny houses on wheels used as permanent residences to protect the health, safety, and welfare of County residents; and

WHEREAS, the Board of County Commissioners, on May 8, 2018, directed staff to prepare ordinance(s) to provide for the regulation of tiny houses on wheels; and

WHEREAS, the Building Construction Advisory Committee, on November 14, 2018, and reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on November 19, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee, and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety, and welfare of the citizens of Brevard County. Officially filed with the Secretary of State on December 6, 2018

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. The Brevard County Code of Ordinances Chapter 22, Buildings and Building Regulations, is hereby amended to include a new Article X, "Tiny Houses on Wheels," which reads as follows:

ARTICLE X. – TINY HOUSES ON WHEELS

DIVISION 1. – GENERALLY

Section 22-808. – Intent

The intent of this Article is to provide for minimum construction and installation standards for tiny houses on wheels that are intended to be used as permanent residences. Said construction and installation standards are established to protect the public health, safety, and welfare of the citizens of Brevard County.

Section 22-809 – Scope and Authority.

(a) *Scope.* The provisions of this Article shall apply to the construction and installation of tiny houses on wheels used as permanent residences as defined herein, which are placed on any land within unincorporated Brevard County.

(b) *Authority.* The County Manager, or designee, is authorized and directed to enforce the provisions of this Article and shall have the authority to render interpretations of this Article and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Article. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Article.

Section 22-810 – Definitions.

When used in this Article, the following words and terms shall have the meanings shown for the purposes of this Section, unless the context otherwise requires:

Owner means a person, firm, corporation, or other entity having any legal or equitable interest in the property as recorded in the official record of Brevard County as holding title to the property or otherwise having possession or control of the property, including, but not limited to, the guardian of the estate of any such person, or the executor or administrator of such estate.

Owner's agent means a person, firm, corporation, or other legal entity authorized by the owner to act for or in place of the owner.

Permanent Residence means the placement of a THOW on a property for more than one hundred eighty (180) consecutive days for use as a complete independent living facility for one (1) or more person(s) providing permanent provision for uses including, but not limited to, living, sleeping, eating, cooking, and/or sanitation.

Tiny House on Wheels or *THOW* means a vehicular portable unit on a single chassis and mounted on wheels, which is intended for use as a primary residential structure that is not a mobile home, manufactured home, or park trailer, as defined by Chapter 320, Florida Statutes (2018). THOWs must meet all of the following conditions:

- (a) It must be towable by a vehicle with a bumper hitch, frame-towing hitch, or fifth-wheel connection; and
- (b) It cannot be designed to be moved under its own power; and
- (c) It must comply with the dimensional and weight limits established by the State of Florida for vehicles using public roads.

Section 22-811 – Permit for Tiny House on Wheels.

- (a) *Permit Required.* Any owner or owner's agent who desires to place a THOW for use as a primary residential structure shall first obtain a permit from the Planning and Development Department.
- (b) *Required Documents.* The following documents must be submitted at the time of permit application:
 - (1) Completed permit application signed by the owner or owner's agent.
 - (2) Survey/plot plan of the site location where the THOW is proposed to be placed.
 - (3) Verification from the Brevard County Utility Services Department that the site location has access to public and/or private sanitary sewer systems; or, a copy of an onsite sewage disposal system permit issued by the Florida Department of Health for the site location if the THOW is connected to such a system.
 - (4) Anchor/tie down plans prepared, and signed and sealed by a Florida Registered Professional Engineer. Anchor/tie down plans must be designed to resist the wind loads determined in accordance with ASCE-7 Minimum Design Loads for Building and Other Structures published by the American Society of Civil Engineers.
 - (5) Documentation verifying that the THOW has been designed and constructed in accordance with the American National Standards Institute (ANSI) A119.5. Said verification shall be performed by a Florida Registered Professional Engineer.
- (c) *Standard Conditions of Permit.*
 - (1) An issued permit shall be construed to be a license to proceed with the work described within the permit documents and plans, and not authorization to

violate, cancel, alter, or set aside any provisions of this Article or any other Federal, State, or Local ordinance, code, law, or regulation.

- (2) Issuance of a permit shall not prevent or limit the County's ability to require the correction of errors or the prosecution of violations of this Code or other laws, rules, and/or regulations, as may be applicable.
 - (3) *Time Limitations.* A permit shall become invalid unless all work necessary for the tiny house on wheels set-up, including utility connections, has been completed and passed inspection by the County within one hundred eighty (180) days from the date the permit was issued.
- (d) *Required Inspections.*
- (1) The permit holder is responsible for notifying the County when the tiny house on wheels has been set-up.
 - (2) Upon notification from the permit holder, the County will inspect that the set-up installation, including connection(s) to any applicable utility, and anchoring/tie-down of the tiny house on wheels has been performed in accordance with the approved engineered plans, approved survey/plot plan, and other permit documents. Inspection all utility connections includes, but is not limited to, potable water, sewer/septic systems, electric service connection, and natural gas connection, if applicable.
- (e) *Certificate of Occupancy.* The County shall issue a certificate of occupancy upon determination that the tiny house on wheels was set-up in accordance with this Article and the terms and conditions of the issued permit. Issuance of a certificate of occupancy shall not be construed to be a warranty as to the physical condition of the tiny house on wheels.

Section 22-812. Installation Standards.

THOWs placed on any property within unincorporated Brevard County must meet the following minimum installation standards:

- (a) All plumbing fixtures must be connected to an approved potable water source.
- (b) All plumbing fixture drains must be connected to an approved sanitary sewer system or to an onsite sewage treatment and disposal system permitted by the Florida Department of Health.
- (c) Connection to electric utility must be made with equipment and wiring methods compliant with the National Electric Code (NEC).
- (d) THOWs must be anchored to the ground in accordance with the required anchor/tie down plans prepared, and signed and sealed by a Florida Registered Professional Engineer.

- (e) THOWs must be placed or installed in accordance with the flood protection standards found in Chapter 62, Article XI, "Flood Damage Protection," of the Brevard County Code of Ordinances.

Section 22-813. Penalty.

It shall be unlawful for any person to violate the provisions of this Article. Violation(s) of this Article will be enforced in accordance with Section 2-176 of the Brevard County Code of Ordinances or Chapter 162, Florida Statutes. Nothing in this Section shall prohibit the County from enforcing its Code by injunction or by any other means provided by law.

Section 2. Conflicting Provisions. In the case of a direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate Federal, State, or Local law, rule, code or regulation, the more restrictive shall apply.

Section 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 4. Area Encompassed. This Ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

Section 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

Section 6. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED by the Brevard County Board of County Commissioners, in regular session, this 4 day of December, 2018.

Attest:



By: Scott Ellis, Clerk of Court

(S E A L)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



By: KRISTINE ISNARDI, Chair

(as approved by the Board on 12 / 4 /18)

Reviewed for legal form and content

Assistant County Attorney