



AGENDA REPORT  
October 9, 2018

**\* Legislative Intent and Permission to Advertise, Re: Code Revisions to  
Regulate Tiny House Construction**

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**SUBJECT:**

Legislative Intent and Permission to Advertise Amendments to Chapter 22 Buildings and Building Regulations by Adding a New Article X Titled Tiny Houses.

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners approve legislative intent and grant permission to advertise amendments to Chapter 22 Buildings and Building Regulations by adding a new Article X, Tiny Houses, providing for minimum construction standards for Tiny houses on Wheels used as permanent residences.

**SUMMARY EXPLANATION and BACKGROUND:**

The Board on May 8, 2018 directed staff to draft construction standards for tiny houses on wheels (THOWs) used as permanent residences. A gap exists for construction standards of THOWs used for permanent residences as they do not fit within the provisions of the Florida Building Code nor the Florida Department of Motor Vehicles standards for recreation vehicles. Because the Board desires to allow tiny houses for residential use and further desires that such tiny houses be constructed in a manner that provides for safeguarding the health, safety and welfare of the public it is necessary create minimum construction standards for THOWs.

Attached is a draft ordinance creating minimum construction standards for THOWs used as permanent residences that includes a permit process and construction standards, utility connection standards and method for certification of compliance with the standards. Because THOWs do not fit within the provisions of the Florida Building Code it was determined that the American National Standards Institute ANSI A119.5 Recreational Park Trailer Standard would be the best standard. ANSI A119.5 is a nationally recognized standard and conversations with local tiny house builders/stakeholders was found to be an acceptable standard to apply. The ordinance provides two methods of demonstrating compliance with the ANSI standard. The first is certification through the Recreational

Vehicle Industry Association (RVIA), which the local tiny house builders we spoke with stated they could provide. Secondly, is certification by a Florida Registered Professional Engineer. The second method provides a certification process for home built tiny houses.

**ATTACHMENTS:**

**Description**

- **Proposed Tiny House Construction Standards Ordinance**



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October 10, 2018

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item J.2., Legislative Intent and Permission to Advertise Amendments to Chapter 22, Buildings and Building Regulations, by Adding a New Article X Titled Tiny Houses

The Board of County Commissioners, in regular session on October 9, 2018, approved legislative intent and granted permission to advertise amendments to Chapter 22, Buildings and Building Regulations, by adding a new Article X, Tiny Houses, providing for minimum construction standards for Tiny Houses on Wheels used as permanent residences.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

ORDINANCE NO. 2018 - \_\_\_\_\_

AN ORDINANCE OF BREVARD COUNTY FLORIDA AMENDING THE BREVARD COUNTY CODE OF ORDINANCES CHAPTER 22, BUILDINGS AND BUILDING REGULATIONS, BY ADDING A NEW ARTICLE X "TINY HOUSES", DIVISION 1. GENERALLY, PROVIDING MINIMUM CONSTRUCTION AND INSTALLATION STANDARDS FOR TINY HOUSES USED AS PERMANENT RESIDENCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners recognizes the need to address the new and growing housing trend known as Tiny Houses; 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 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; and

WHEREAS, the Building Construction Advisory Committee, on October 10, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on \_\_\_\_\_, 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.

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” which reads as follows:

ARTICLE X. – TINY HOUSES

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 to 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 or installed 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.

The following words and terms shall have the meanings shown for the purposes of this article.

*Owner.* A person, firm, entity, or corporation 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 the guardian of the estate of any such person, and the executor or administrator of such estate.

*Owner’s agent.* A person, firm or entity authorized by the owner to act for or in place of the owner.

*Permanent Residence.* The placement of a THOW on a property for more than 180 consecutive days for use as complete independent living facilities for one or more persons providing permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Tiny House on Wheels or THOW.* A structure built on a single chassis and mounted on wheels, which is intended for use as a full time residence or a year round rental property that is not a mobile or manufactured home or park trailer as defined by Florida Statute Chapter 320.01. THOWs must meet the following conditions:

- (a) Towable by a vehicle with a bumper hitch, frame-towing hitch, or fifth wheel connection and cannot nor be designed to be moved under its own power.
- (b) Must comply with dimensional and weight limits established by the State of Florida for vehicles using public roads.

#### Section 22-811 – Permit Required.

Any owner or owner's authorized agent who desires to place or install a THOW for use as a permanent residence or a year round rental property shall first obtain a permit from the Planning and Development Department.

The following documents must be submitted at the time of permit application:

- (a) Completed permit application signed by the owner or owner's agent.
- (b) Survey/plot plan of the property where the THOW is proposed to be placed.
- (c) Copy of an On Site Sewage Disposal System permit (SEPTIC) issued by the Florida Department of Health if the Tiny House is connected to a septic system.
- (d) Anchor/tie 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 American Society of Civil Engineers.
- (e) 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 by certification by the Recreational Vehicle Industry Association, or certification by a Florida Registered Professional Engineer.

#### 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 (septic) 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 plan prepared by a Florida Registered Professional Engineer.

(e) THOWs placed or installed in areas of special flood hazard (flood zone) shall be installed so that the lowest floor is elevated to a minimum 12 inches above the base flood elevation in accordance with flood protection standards found in Chapter 62 Article XI of the Brevard County Land Development Code. For properties within special flood hazard areas adjacent to FEMA defined regulatory floodways, the lowest floor shall be elevated at least 12 inches above the floodway encroachment elevation for that regulatory floodway established by FEMA and defined in the FEMA flood insurance study for the county.

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 county 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, in regular session, this 13<sup>th</sup> day of November, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

\_\_\_\_\_  
Rita Pritchett, Chair  
(as approved by the Board on November 13, 2018)

( S E A L )

Reviewed for legal form and content by: \_\_\_\_\_