



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

9/13/2022

Subject:

First Public Hearing: Amendments to Sec. 62-1844, Brevard County Code of Ordinances RE: Criteria for Tiny House and Tiny House on Wheels

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to considering the attached ordinance revision to Section 62-1844 relating to tiny homes.

Summary Explanation and Background:

At its August 4, 2022 Zoning meeting, the Board issued legislative intent and permission to advertise certain amendments to Sec. 62-1844, Brevard County Code of Ordinances, in order to effectuate the following changes:

1. Creating a common maximum floor area of 750 sq. ft. for tiny homes, across all classifications that already allow for them as a Permitted Use with Conditions
2. Allowing for multiple tiny homes in a mobile home park (TR-3)
3. Removing the requirement to gain notarized approval from the owners of abutting developed property

The attached ordinance implements this direction. Because this amendment makes changes to zoning conditional uses, two public hearings are required under Fla. Stat. Sec. 125.66(4)(b).

On September 7, 2022, the Building Construction Advisory Committee heard the proposed ordinance and unanimously recommended approval.

The Local Planning Agency/Planning and Zoning Board is scheduled to consider this proposal on September 12th. Staff will update the Board on its recommendation.

Clerk to the Board Instructions:

None at this time.



September 14, 2022

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item H.3., First Public Hearing for Amendments to Section 62-1844, Brevard County Code of Ordinances for Criteria for Tiny House and Tiny House on Wheels

The Board of County Commissioners, in regular session on September 13, 2022, conducted the public hearing to consider an ordinance revision to Section 62-1844 relating to tiny homes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/pp

cc: County Manager
County Attorney

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS," CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 5, SECTION 62-1844, "TINY HOUSE OR TINY HOUSE ON WHEELS (THOW)," BY CREATING A UNIFORM MAXIMUM FLOOR AREA OF 750 SQUARE FEET, EXEMPTING LOTS IN TR-3 ZONING FROM BEING RESTRICTED TO A SINGLE TINY HOUSE OR THOW, AND REMOVING THE REQUIREMENT FOR APPROVAL OF THE OWNERS OF ABUTTING PROPERTY WHEN SEEKING A TINY HOUSE OR THOW PERMIT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of Brevard County, Florida, (hereinafter "the Board") finds that there is a critical need for affordable housing in Brevard County; and

WHEREAS, the Board finds that one potential avenue for alleviating the strain of a lack of affordable housing is the development of tiny houses or tiny houses on wheels ("THOW"); and

WHEREAS, the Board desires to simplify regulations regarding tiny houses and THOW, in order to encourage development of such structures; and

WHEREAS, the Board wishes to clarify that more than one tiny house and/or THOW is allowable on TR-3 (mobile home park) zoned lots; and

WHEREAS, the Board finds that requiring the approval of abutting property owners when seeking a permit for a tiny house or THOW is an unnecessary barrier to development.

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

Underline indicates additions.

~~Strikethrough indicates deletions.~~

SECTION 1. Section 62-1844. – Tiny house or tiny house on wheels (THOW), Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Tiny house or tiny house on wheels (THOW) shall meet the following criteria:

- (1) Tiny house or tiny house on wheels (THOW) use is only allowed on lots that meet the current minimum lot area of their respective zoning classification.

- (2) Contain a minimum living area of 120 square feet up to a maximum floor area of 750 square feet.
 - a. ~~Five hundred square feet for the TR-3 zoned lots;~~
 - b. ~~Six hundred square feet for the PA, RRMH-1, RRMH-2.5, and RRMH-5 zoned lots;~~
 - c. ~~Seven hundred fifty square feet for the GU, AGR, AU and AU(L) zoned lots~~
- (3) Except in TR-3 zoned lots, ~~When~~ placed upon a lot as the primary residential structure, the tiny house or THOW shall be the only primary residential structure allowed upon that lot.
- (4) When a tiny house or THOW is permitted as the primary residential structure, accessory structures shall be allowed to utilize a floor area up to 600 square feet and to be exempt from the size limitation noted in subsections 62-2100.5(1)(b) and (1)(d).
- (5) ~~Before zoning approval is granted for a tiny house or THOW building permit, the applicant/owner shall submit notarized approval forms from each abutting developed property owner to the planning and development department.~~

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; 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 ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: Rachel Sadoff, Clerk of Court

By: Kristine Zonka, Chair
(as approved by the Board on _____)