



AGENDA REPORT  
December 4, 2018

**Public Hearing, Re: Code Revisions to Allow For Tiny Houses on Foundations and Tiny Houses on Wheels as Permanent Residences (Second Hearing)**

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**SUBJECT:**

Public Hearing Re: Code Revisions to Chapter 62, Article VI, Zoning Regulations, Tiny Houses and Tiny Houses on Wheels (THOW) as Permanent Residences

**FISCAL IMPACT:**

none

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners conduct the second public hearing to approve revisions to Chapter 62, Article VI, Zoning Regulations to create Tiny House Planned Unit Developments (THPUD) and amend Permitted Uses with Conditions to add criteria for the Tiny House or THOW use, to allow for tiny houses on foundations and tiny houses on wheels as a permanent residence.

**SUMMARY EXPLANATION and BACKGROUND:**

The Board of County Commissioners, on October 23, 2018, held the first hearing of the Tiny House Ordinance amending Chapter 62, Article VI, Zoning Regulations for Tiny Houses on Foundations and Tiny Houses on Wheels (THOWs) as a permanent residence. The Board's motion to approve the item included language to create a maximum size limit for the Tiny House units. The updated strikethrough and clean versions of the ordinance have been attached.

The attached Ordinance does the following:

- Creates a new zoning classification (THPUD) for the use of Tiny Houses and/or THOWs within a Planned Unit Development environment
- Allows for Tiny Houses or THOWs as a Permitted with Conditions use in GU, PA, AGR, AU, or AU(L), or mobile home use in RRMH-1, RRMH-2.5, RRMH-5, or TR-3 zoning classifications.
- Establishes a baseline of criteria for the new Permitted with Conditions use:
  - Tiny House or THOW use is only allowed on lots of 2.5 acres or larger.

- Contain a minimum living area of 120 square feet up to the minimum living area of the zoning classification.
  - 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.
  - 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 Section 62-2100.5(1)(b) and (1)(d).
  - 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.
- Creates a definition for THOWs.

The Board of County Commissioners, on August 14, 2018, approved legislative intent to grant permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations for Tiny Houses on Foundations and Tiny Houses on Wheels (THOWs) as a permanent residence.

On October 10, 2018, the Brevard Construction Advisory Committee (BCAC) heard the item and unanimously recommended approval.

On October 22, 2018, The Local Planning Agency (LPA) heard the item and unanimously recommended approval with the noted maximum size limit for Tiny House units.

Staff Contact: Erin Sterk, Planning & Zoning Manager Ext. 52640

**CLERK TO THE BOARD INSTRUCTIONS:**

Please have the strikethrough and clean versions of the ordinance signed by the Chair, if approved. Please return one copy of each signed version to the Planning and Development Department.

**ATTACHMENTS:**

**Description**

- ▢ **Board Memo 8/15/18**
- ▢ **CAO Approval**
- ▢ **Legal Ad - 1st Hearing**
- ▢ **Strikethrough Ordinance Version**
- ▢ **Clean Ordinance Version**



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

August 15, 2018

**MEMORANDUM**

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

**RE:** Item J.1., Legislative Intent and Permission to Advertise for Code Revision to include Tiny Houses

The Board of County Commissioners, in regular session on August 14, 2018, approved legislative intent and granted permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations to allow tiny houses on foundations and tiny houses on wheels (THOWs) as permanent residences; and directed staff to expand the advertisement to include tiny houses in the PUD zoning classification, to look into allowing the Agricultural Zoning classification of 2.5 acres or greater as a permitted use for tiny houses on foundations and THOWs, expanding or allowing them into the mobile home park Zoning classifications, and potentially creating site criteria to allow for tiny homes to be installed without having to come back before the Board every time.

Your continued cooperation is always appreciated.

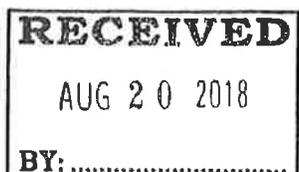
Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

cc: County Manager  
County Attorney



Brevard County Attorney  
Ordinance Approval Sheet

**SECTION I**

The following information must be completed on all ordinances submitted to the Board:

Ordinance Name: Tiny Houses and THOWs		Ordinance Author: Rebecca Ragain	
Division Name: Planning & Development Dept. (Zoning Office)		Mail Stop: N/A	Review Deadline:
Sent by P&ZO: Erin Sterk			
Dept./Office Director: Tad Calkins			
Meeting Date: (P&Z/LPA) 10/22/2018	(BCC) 10/23/2018 & 11/13/2018	Advertising Deadline: 10/9/2018	

**SECTION II**

COUNTY OFFICE

APPROVAL  
Yes    No

INITIALS    DATE

County Attorney's Office

RS    10/9/2018

**SECTION III**

**Sent for Review**

Land Dev.                    \_\_\_Y \_\_\_N \_\_\_N/A

ONRM                         \_\_\_Y \_\_\_N \_\_\_N/A

Other Dept./Office         \_\_\_Y \_\_\_N \_\_\_N/A

Comments:

## NOTICE OF ZONING CODE CHANGE

The Brevard County Board of County Commissioners proposes to adopt the following ordinance described below. The first public hearing to consider this ordinance will be held during the Board of County Commissioner's Meeting on Tuesday, October 23, 2018, beginning at 9:00 a.m., in the Commission Chambers, 1st floor Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. The second and final public hearing will be held on November 13, 2018, beginning at 5:00 p.m. to consider the ordinance described below. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 1, SECTION 62-1102, DEFINITIONS AND RULES OF CONSTRUCTION BY ADDING A DEFINITION FOR TINY HOUSE ON WHEELS (THOW) TO DIFFERENTIATE WHEN IT IS TO BE CONSIDERED A RECREATIONAL VEHICLE OR WHEN IT IS TO BE CONSIDERED A SINGLE-FAMILY DWELLING; AMENDING ARTICLE VI, DIVISION 3, SECTION 62-1255 ESTABLISHMENT OF ZONING CLASSIFICATIONS AND CONSISTENCY WITH COMPREHENSIVE PLAN BY ADDING TINY HOUSE PLANNED UNIT DEVELOPMENT (THPUD) TO THE LISTING OF PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATIONS AND TO ADD THE THPUD USE TO EXHIBIT A TO IDENTIFY WHICH FUTURE LAND USE DESIGNATIONS THE THPUD ZONING CLASSIFICATION IS CONSISTENT WITH; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION II, SECTIONS: SECTION 62-1331 GENERAL USE GU, SECTION 62-1332 PRODUCTIVE AGRICULTURE PA, SECTION 62-1333 AGRICULTURE AGR, SECTION 62-1334 AGRICULTURAL RESIDENTIAL AU AND AU(L) TO ADD AS A PERMITTED USE WITH CONDITIONS TINY HOUSE OR A THOW TO THE LISTING OF EXISTING PERMITTED WITH CONDITIONS USES UNDER CERTAIN CIRCUMSTANCES; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION IV, SECTIONS: SECTION 62-1401 RURAL RESIDENTIAL MOBILE HOME, RRMH-1, RRMH-2.5 AND RRMH-5 AND SECTION 62-1404 MOBILE HOME PARK TR-3 TO ADD AS A PERMITTED USE WITH CONDITIONS TINY HOUSE OR A THOW TO THE LISTING OF EXISTING PERMITTED WITH CONDITIONS USES UNDER CERTAIN CIRCUMSTANCES; CREATING ARTICLE VI, DIVISION 4, SUBDIVISION V, SECTIONS: SECTIONS 62-1471 - 62-1480 FOR TINY HOUSE PLANNED UNIT DEVELOPMENTS (THPUD) TO PROVIDE CRITERIA FOR THIS NEW ZONING CLASSIFICATION; AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II PERMITTED USES WITH CONDITIONS TO ADD CRITERION FOR THE TINY HOUSE OR TINY HOUSE ON WHEELS (THOW) USE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

Copies of the ordinance to be considered can be reviewed at Planning and Development, 1st floor Building A, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of the hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Per: Tad Calkins, Director, Planning and Development Dept.  
Brevard County Government Center  
2725 Judge Fran Jamieson Way  
Viera, FL 32940  
(321)633-2070

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## Deborah Thomas

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**From:** Sterk, Erin <Erin.Sterk@brevardfl.gov>  
**Sent:** Wednesday, December 5, 2018 9:15 AM  
**To:** Deborah Thomas; Kimberly Powell; Tammy Rowe  
**Cc:** Bentley, Eden; Brewer, Jad; Calkins, Tad; Ragain, Rebecca  
**Subject:** Updated Tiny House Ordinance - 12/4 Item H.2.  
**Attachments:** updated per BCC -BCC strikethrough -Tiny House and Tiny House on Wheels (THOW) ordinance 12.05.18.pdf; updated per BCC - BCC clean - Tiny House and Tiny House on Wheels (THOW) ordinance 12.05.18.pdf

Good morning,

Please find attached both a clean and strikethrough version of the Tiny House Ordinance (Item H.2.), which reflects the changes proposed by Commissioner Tobia. **Our office requests that both versions be signed and returned.**

Many thanks,

*Erin Sterk*

**Planning & Zoning Manager**  
Brevard County  
(321) 633-2070 ext. 52640

"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."



## 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. 2018-27, which was filed in this office on December 6, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

Clean

**ORDINANCE NO. 2018- 27**

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 1, SECTION 62-1102, DEFINITIONS AND RULES OF CONSTRUCTION BY ADDING A DEFINITION FOR TINY HOUSE ON WHEELS (THOW) TO DIFFERENTIATE WHEN IT IS TO BE CONSIDERED A RECREATIONAL VEHICLE OR WHEN IT IS TO BE CONSIDERED A SINGLE-FAMILY DWELLING; AMENDING ARTICLE VI, DIVISION 3, SECTION 62-1255 ESTABLISHMENT OF ZONING CLASSIFICATIONS AND CONSISTENCY WITH COMPREHENSIVE PLAN BY ADDING TINY HOUSE PLANNED UNIT DEVELOPMENT (THPUD) TO THE LISTING OF PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATIONS AND TO ADD THE THPUD USE TO EXHIBIT A TO IDENTIFY WHICH FUTURE LAND USE DESIGNATIONS THE THPUD ZONING CLASSIFICATION IS CONSISTENT WITH; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION II, SECTIONS: SECTION 62-1331 GENERAL USE GU, SECTION 62-1332 PRODUCTIVE AGRICULTURE PA, SECTION 62-1333 AGRICULTURE AGR, SECTION 62-1334 AGRICULTURAL RESIDENTIAL AU AND AU(L) TO ADD AS A PERMITTED USE WITH CONDITIONS TINY HOUSE OR A THOW TO THE LISTING OF EXISTING PERMITTED WITH CONDITIONS USES UNDER CERTAIN CIRCUMSTANCES; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION IV, SECTIONS: SECTION 62-1401 RURAL RESIDENTIAL MOBILE HOME, RRMH-1, RRMH-2.5 AND RRMH-5 AND SECTION 62-1404 MOBILE HOME PARK TR-3 TO ADD AS A PERMITTED USE WITH CONDITIONS TINY HOUSE OR A THOW TO THE LISTING OF EXISTING PERMITTED WITH CONDITIONS USES UNDER CERTAIN CIRCUMSTANCES; CREATING ARTICLE VI, DIVISION 4, SUBDIVISION V, SECTIONS: SECTIONS 62-1471 – 62-1480 FOR TINY HOUSE PLANNED UNIT DEVELOPMENTS (THPUD) TO PROVIDE CRITERIA FOR THIS NEW ZONING CLASSIFICATION; AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II PERMITTED USES WITH CONDITIONS TO ADD CRITERION FOR THE TINY HOUSE OR TINY HOUSE ON WHEELS (THOW) USE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, The Board of County Commissioners desires to create a new zoning classification for the use of Tiny House and/or Tiny House on Wheels (THOWs) within a Planned Unit Development environment; and

WHEREAS, The Board of County Commissioners also wishes to allow Tiny House and/or Tiny House on Wheels (THOWs) as a permitted with conditions use on 2.5 acre lots or larger as the officially filed with the Secretary of State on December 6, 2018

primary residential structure available to lots zoned for agriculture use [GU, PA, AGR, AU or AU(L)] or mobile home use (RRMH-1, RRMH-2.5, RRMH-5 or TR-3); and

WHEREAS, The Board wishes to establish a baseline of criteria for the new permitted with conditions use as well as create a definition for Tiny House on Wheels (THOWs); and

WHEREAS, the Board of County Commissioners, on August 14, 2018 directed preparation of an amendment to the Zoning Regulations as it relates to creating Tiny House on foundations and Tiny House on Wheels (THOWs) regulations; 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 October 22, 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. Section 62-1102. Definitions and rules of construction, Code of Ordinances of Brevard County, Florida, is hereby amended to add to the existing list of definitions a definition for Tiny House on Wheels (THOW) as follows:

**Sec. 62-1102. Definitions and rules of construction.**

Tiny House On Wheels (THOW) – is considered a residential structure when it is anchored to the ground, connected to utilities and meets the requirements of Chapter 22, Article X, Section 22-811 (b) (5). When a THOW is unanchored, it shall be considered to be a recreational vehicle as defined in Chapter 62, Article VI, Section 62-1406 (5)(d) and not a mobile or manufactured home or park trailer as defined by Florida Statute Chapter 320.01.

SECTION 2. Section 62-1844. Tiny House or Tiny House on Wheels (THOW), Code of Ordinances of Brevard County, Florida, is hereby created as follows:

Sec. 62-1844. Tiny House or Tiny House on Wheels (THOW).

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:
  - a. 500 square feet for the TR-3 zoned lots;
  - b. 600 square feet for the PA, RRMH-1, RRMH-2.5, and RRMH-5 zoned lots;
  - c. 750 square feet for the GU, AGR, AU and AU(L) zoned lots.
3. 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 Section 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 3. Section 62-1255 (a). Establishment of zoning classifications and consistency with comprehensive plan and Exhibit A, Code of Ordinances of Brevard County, Florida, are hereby amended to add the Tiny House Planned Unit Development (THPUD) zoning classification to the list of PUD zoning classifications and to identify which land use designations the THPUD zoning may be considered consistent with, as follows:

**Sec. 62-1255. Establishment of zoning classifications and consistency with comprehensive plan.**

(a) Zoning classifications established. Within the unincorporated areas of the county, the following zoning classifications are hereby established, such zoning classifications being created under this article or being zoning classifications incorporated by reference under this article:

- (1) Unimproved, agricultural and residential zoning classifications:
  - a. General use zoning classification, GU.
  - b. Productive agricultural zoning classification, PA.
  - c. Agricultural zoning classification, AGR.
  - d. Agricultural residential zoning classification, AU.
  - e. Rural estate use residential zoning classification, REU.

- f. Rural residential zoning classification, RR-1.
  - g. Suburban estate residential use zoning classification, SEU.
  - h. Suburban residential zoning classification, SR.
  - i. Estate use residential zoning classifications, EU, EU-1 and EU-2.
  - j. Single-family residential zoning classifications, RU-1-13 and RU-1-11.
  - k. Single-family residential zoning classification, RU-1-9.
  - l. Single-family residential zoning classification, RU-1-7.
  - m. Single-family attached residential zoning classifications, RA-2-4, RA-2-6, RA-2-8 and RA-2-10.
  - n. Residential-professional zoning classification, RP.
- (2) Multiple-family residential zoning classifications:
- a. Low-density multiple-family residential zoning classifications, RU-2-4, RU-2-6 and RU-2-8.
  - b. Medium-density multiple-family residential zoning classifications, RU-2-10, RU-2-12 and RU-2-15.
  - c. High-density multiple-family residential zoning classification, RU-2-30.
- (3) Mobile home residential and recreational vehicle park zoning classifications:
- a. Rural residential mobile home zoning classifications, RRMH-1, RRMH-2.5 and RRMH-5.
  - b. Single-family mobile home zoning classifications, TR-1 and TR-1-A.
  - c. Single-family mobile home zoning classification, TR-2.
  - d. Mobile home park zoning classification, TR-3.
  - e. Single-family mobile home cooperative zoning classification, TRC-1.
  - f. Recreational vehicle park zoning classification, RVP.
- (4) Planned unit development zoning classifications:
- a. Planned unit development zoning classification, PUD.
  - b. Residential planned unit development zoning classification, RPUD.
  - c. Tiny House planned unit development zoning classification, THPUD.
- (5) Commercial zoning classifications:
- a. Restricted neighborhood retail commercial zoning classification, BU-1-A.
  - b. General retail commercial zoning classification, BU-1.
  - c. Retail, warehousing and wholesale commercial zoning classification, BU-2.
- (6) Tourist commercial and transient commercial zoning classifications:
- a. General tourist commercial zoning classification, TU-1.

- b. Transient tourist commercial zoning classification, TU-2.
- (7) Industrial zoning classifications:
  - a. Planned business park zoning classification, PBP.
  - b. Planned industrial park zoning classification, PIP.
  - c. Light industrial zoning classification, IU.
  - d. Heavy industrial zoning classification, IU-1.
- (8) Special zoning classifications:
  - a. Environmental area zoning classification, EA.
  - b. Government managed land zoning classification, GML.
  - c. Institutional zoning classification, IN.

**EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES**

Zoning Classifications	Land Use Designations																
	Agric	Res 1:2.5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15	Res 30	NC	CC	PI	H/L	PUB	REC	PR CON	PUB CON
GU, PA, AGR, RRMH-5, PUD, RPUD, THPUD, RVP					Y						Y*		N			N	
AU, REU, RRMH-2.5	N				Y						Y*		N			N	
ARR, RR-1, SEU, RRMH-1	N				Y						Y*		N			N	
SR, TR-2	N				Y						Y*		N			N	
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4		N				Y					Y*		N			N	
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6			N				Y				Y*		N			N	
RU-2-8, RA-2-8, RA-2-10, RU-2-10			N					Y			Y*		N			N	
RU-2-12, RU-2-15			N					Y			Y*		N			N	
RU-2-30			N					Y			Y*		N			N	
BU-1-A, IN					Y**						Y**		N			N	
RP		N				Y**					Y		N			N	
BU-1, TU-1, TU-2				N						N	Y		N			N	

BU-2	N	N	Y	Y**	N
PBP	N	N	Y	Y	N
PIP	N	N	Y		N
IU, IU-1	N	N	N	Y	N
EA, GML	Y	Y	Y		Y

Land Use Designations	
Agric—Agriculture	NC—Neighborhood Commercial
Res 1:2.5—Residential (one unit per 2.5 acres)	CC —Community Commercial
Res 1—Residential (one unit per acre)	PI—Planned Industrial
Res 2—Residential (two units per acre)	H/L—Heavy/Light Industrial
Res 4—Residential (four units per acre)	PUB—Public Facilities
Res 6—Residential (six units per acre)	REC—Recreation
Res 10—Residential (ten units per acre)	PR CON—Private Conservation
Res 15—Residential (fifteen units per acre)	PUB CON—Public Conservation
Res 30—Residential (thirty units per acre)	
Explanation of Symbols	
Y—Yes, classification may be considered.	
Y*—Yes, classification may be considered, if permitted by Policy 2.13 of the Future Land Use Element.	
Y**—Yes, classification may be considered if use is transitional, per Policy 2.14 or if permitted by Policy 2.17 of the Future Land Use Element, as applicable.	
N—No, classification may not be considered.	

SECTION 4. Section 62-1331 (1)(b). General use, GU., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1331. General use, GU.**

(1) Permitted uses.

a. Permitted uses are as follows:

Single-family detached residential dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tiny House or a THOW

SECTION 5. Section 62-1332 (1)(b). Productive agricultural, PA., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1332. Productive agricultural, PA.**

- (1) Permitted uses.

- a. Permitted uses are as follows:

Mobile home residential dwelling.

One single-family dwelling unit.

Tenant dwellings: Where there are 40 or more acres under the same ownership, one tenant dwelling unit is permitted for each five acres, not to exceed ten tenant dwelling units in total. Tenant dwelling units shall be set back 200 feet from all property under different ownership.

All agricultural pursuits. The sale of products produced on the property and any other agricultural produce may be sold from roadside stands as provided in chapter 86, article IV.

Raising and grazing of farm animals, fowl raising and beekeeping.

Nurseries and horticultural pursuits.

Parks and public recreational facilities.

Pet kennels.

- b. Permitted uses with conditions. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile home.

Tiny House or a THOW

SECTION 6. Section 62-1333 (1)(b). Agricultural, AGR., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1333. Agricultural, AGR.**

(1) Permitted uses.

a. Permitted uses are as follows:

Single-family detached residential dwelling.

Mobile home residential dwelling.

Tenant dwellings: Where there are 20 acres or more of land under the same ownership, one tenant dwelling unit is permitted for each five acres, not to exceed a total of ten tenant dwellings.

Agricultural pursuits, including the packing and processing of commodities raised on the premises. The sale of products produced on the property and any other agricultural produce may be sold from roadside stands as provided in chapter 86, article IV.

Raising and grazing of animals.

Bed and breakfast inns.

Dude ranches, with a minimum site size of 40 acres.

Landscaping businesses.

Parks and public recreational facilities.

Pet kennels.

Plant nurseries and sale of plants raised on the premises.

Private golf courses.

Foster homes.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps.

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile home.

Tiny House or a THOW

SECTION 7. Section 62-1334 (1)(b). Agricultural residential, AU and AU(L)., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1334. Agricultural residential, AU and AU(L).**

- (1) Permitted uses.

- a. (1) Permitted uses within the AU classification are as follows:

Single-family detached residential dwelling.

All agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises as provided in chapter 86, article IV.

Raising and grazing of animals.

Dude ranches, with a minimum area of 40 acres. Barns or stables shall be 200 feet from any property line.

Fowl raising and beekeeping.

Parks and public recreational facilities.

Plant nurseries.

Private golf courses.

Private camps.

Foster homes.

- (2) Permitted uses within the AU(L) sub-classification are as follows:

Single-family detached residential dwelling.

Agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in section 62-2108.

Parks and public recreational facilities.

Foster homes.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps (section 62-1835.4.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Landscaping business (section 62-1837).

Mobile home residential dwelling (section 62-1837.7.5).

Power substations, telephone exchanges and transmission facilities (section 62-1839).

Preexisting use (section 62-1839.7).

Private parks and playgrounds (section 62-1840).

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile homes (section 62-1843).

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership. Tenant dwellings must be 100 feet from property of different ownership (section 62-1842.5).

Tiny House or a THOW

SECTION 8. Section 62-1401 (1)(b). Rural residential mobile home, RRMH-1, RRMH-2.5 and RRMH-5., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1401. Rural residential mobile home, RRMH-1, RRMH-2.5 and RRMH-5.**

- (1) Permitted uses.

- a. Permitted uses are as follows:
  - One single-family mobile home or detached dwelling unit.
  - Parks and public recreational facilities.
  - Private golf courses.
  - Sewer lift stations.
  - Foster homes.
- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):
  - Group homes, level I, subject to the requirements set forth in section 62-1835.9.
  - Power and telephone exchanges and transmission facilities.
  - Preexisting use.
  - Private parks and playgrounds.
  - Temporary living quarters during construction of a residence.
  - Tiny House or a THOW

SECTION 9. Section 62-1404 (1)(b). Mobile home park, TR-3., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

***Sec. 62-1404. Mobile home park, TR-3.***

- (1) *Permitted uses.*
  - a. *Permitted uses are as follows:*
    - Mobile homes and modular coaches, exclusive of travel trailers and recreational vehicles.*
    - Parks and public recreational facilities.*
  - b. *Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):*
    - Preexisting use.*
    - Temporary living quarters during construction of a residence.*
    - Tiny House or a THOW*

SECTION 10. Create Sections: 62-1471 - 62-1480 for Tiny House Planned Unit Developments, THPUD, Code of Ordinances of Brevard County, Florida, to allow Tiny House and THOW developments as a new PUD zoning classification type as follows:

**Sec. 62-1471. THPUD—Definitions and rules of construction.**

For the purpose of this subdivision, certain words and terms used in this subdivision shall be defined as provided in this section. Words used in the present tense shall include the future tense, words used in the singular number shall include the plural number, and words used in the plural number shall include the singular number. The word "shall" is mandatory. The word "person" includes any individual, group of persons, firm, corporation, association or organization, and any legal public entity.

Common open space means a parcel or parcels of land, or a combination of land and water, within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space shall be integrated throughout the planned unit development to provide for a linked recreational/open space system. All common open space shall complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.

THPUD Development plan means the total site plan of the Tiny House planned unit development drawn in conformity with the requirements of this subdivision. The development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads and common open space.

Development schedule means a comprehensive statement showing the type and extent of development proposed and the order in which development is to be undertaken. A development schedule shall contain an exact description of the relative order of development of residential, common open space and other improvements. The purpose of the development schedule is to assure that required open space is developed at a rate commensurate with the residential uses it supports.

Final engineered development plan means the engineered subdivision plan approved by the board of county commissioners and recorded with the clerk of the circuit court of the county according to the provisions of this subdivision for any stage or tract within the THPUD.

Tiny House planned unit development and THPUD means an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential uses and common open space.

Preliminary development plan means the development plan approved by the board of county commissioners and filed with approval by the county of a Tiny House planned unit development zoning classification on the official zoning map of the county.

Preliminary development plan application means the application for zoning approval of the use of a site as a Tiny House planned unit development and for approval of the required exhibits as specified in this subdivision.

Tract means an area delineated within a stage, except single-unit lots, which is separate unto itself, having a specific legal description of its boundaries. A tract will delineate all land uses such as common open space, recreational areas, residential areas (except single-unit lots) and all other applicable areas.

**Sec. 62-1472. Same—Purpose and intent.**

- (a) The Tiny House planned unit development (THPUD) is a concept which encourages and permits variation in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a Tiny House planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.
- (b) This subdivision is intended to establish procedures and standards for Tiny House planned unit developments within the unincorporated areas of the county, in order that the following objectives may be attained:
  - (1) Accumulation of significant areas of usable open spaces for the preservation of natural amenities.
  - (2) Flexibility in design to take the greatest advantage of natural land, trees, historical features and other features.
  - (3) Creation of a variety of housing types and compatible neighborhood arrangements that gives the home buyer greater choice in selecting types of environment and living units.
  - (4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.
  - (5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.
  - (6) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the Tiny House planned unit development.
  - (7) Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the county of proposed land use, site considerations, lot and setback considerations, public needs and requirements, and health and safety factors.
- (c) In order to accomplish the objectives of this section, the applicant of a THPUD will propose, and the county may consider: minimum living area requirements; lot width, depth and area standards; and proposed setback criteria for front, side, side street, and rear setbacks.

**Sec. 62-1473. Same—Permitted uses.**

(a) The THPUD zoning classification is designed to allow an applicant to submit a proposal for consideration and to allow the board of county commissioners to approve any proposal which it believes to be in the best interest of the public health, safety and welfare, along with any conditions or limitations thereon which the board of county commissioners deems advisable. Rezoning to the THPUD zoning classification shall be an entirely voluntary procedure to be pursued only at the option of the applicant. Approval of the THPUD zoning classification rests with the board of county commissioners, based upon its determination that the proposed development is in the best interests of the county.

(b) Permitted uses with conditions are as follows:

Power substations, telephone exchanges and transmission facilities.

**Sec. 62-1473.5. Same—Accessory buildings and uses.**

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

**Sec. 62-1474. Same—Conditional uses.**

Uses otherwise listed as conditional use permits in this division 5, subdivision III of this article may be specified as part of a preliminary development plan application process without the necessity to request a separate conditional use permit, as long as the requested use is consistent with the comprehensive plan. Owners of parcels within the THPUD may request additional conditional use permits after the preliminary development plan is approved by undertaking the standard conditional use permit application process without applying for an amendment to the THPUD preliminary development plan.

**Sec. 62-1475. Same—Maintenance and operation of common facilities and common open space.**

(a) Common open space, drainage systems, private roads and other related common facilities shall be maintained for their intended purpose as expressed in the final development plan. One or a combination of the following methods shall be utilized for maintaining common facilities:

- (1) Maintenance may be provided for by public dedication to the county. This method is subject to formal acceptance by the county in its sole discretion.
- (2) Maintenance may be provided for by establishment of an association or nonprofit corporation of all individuals or corporations owning property within the Tiny House planned unit development to ensure the maintenance of all common facilities.
- (3) Maintenance may be provided for by retention of ownership, control and maintenance of common facilities by the developer.

- (4) The developer may also request or the county may require that the maintenance of common facilities be funded through a municipal service taxing or benefit unit as provided by F.S. § 125.01.
  - (5) Maintenance may be provided by a community development district or other non-profit, public or quasi-public agency whose stated purpose includes perpetual maintenance of such common facilities.
- (b) All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final engineered development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final engineered development plan. Such deed restrictions shall run with the land and are for the benefit of present as well as future property owners and shall contain a prohibition against partition.
  - (c) All common open space and recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
  - (d) If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:
    - (1) The developer must establish the association or nonprofit corporation prior to the sale of any lots, parcels or tracts.
    - (2) Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the Tiny House planned unit development, and the association or corporation shall not discriminate in its members or shareholders.
    - (3) The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, and shall provide for the maintenance, administration and operation of such land and any other land within the Tiny House planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land.
    - (4) If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space, or appropriate shares in the association.

**Sec. 62-1476. Same—Land use regulations.**

- (a) Minimum and maximum size.

The minimum size for a THPUD shall be 0.5 acres. The maximum size for a THPUD shall be 10.0 acres.

- (b) Maximum density.

- (1) The average density permitted in each THPUD shall be established by the board of county commissioners, upon recommendation of the planning and zoning board. The criteria for establishing an average density include existing zoning, adequacy of existing

and proposed public facilities and services, site characteristics, and the recommended density of any land use involving the area in question.

- (2) Where a developer elects to develop the property in stages, the cumulative density with each subsequent stage must be approximately the same as the overall density approved for the entire project in that such cumulative density shall not vary upward more than two units per acre. Upon completion of all stages, the final density shall not exceed the density approved in the preliminary development plan.
- (c) Minimum common recreation and open space. Thirty percent (30%) of the gross site acreage shall be delineated as tracts for common recreation and open space. Allocation of common recreation and open space facilities shall be determined utilizing the definition of the term "usable common open space" in section 62-1102.
- (d) Minimum lot area, frontage and setbacks; accessory uses.
- (1) The developer shall propose minimum lot dimensions (width, depth and lot area) as part of the preliminary development plan document.
  - (2) Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly, via an approach private road, pedestrian way, court or other area dedicated to public or private use guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The county shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area to meet emergency needs, to conduct county services, and to generally ensure the health and safety of the residents of the THPUD.
  - (3) Setbacks and minimum distances between structures are as follows:  
The developer shall propose all primary and accessory building setbacks and separation distances between structures as part of the preliminary development plan document.
  - (4) A minimum 25-foot setback shall be maintained between the wall of any structure and the property line along the perimeter of the THPUD unless waived by the board of county commissioners at the time the preliminary development plan is approved.
  - (5) A twenty-five (25) foot wide perimeter landscaped buffer tract(s) shall be required from abutting property not under the ownership of the developer.
  - (6) On property bordering the ocean, a minimum of 30 percent of the ocean frontage shall be left open as breezeway/visual corridor. On property bordering a river, a minimum of 30 percent of the river frontage shall be left open as breezeway/visual corridor.
  - (7) On property bordering the ocean, setbacks from the ocean on oceanfront property shall be governed by the provisions of article XII of this chapter.
- (e) Maximum height of structures.
- (1) Where the property abuts any other land designated for single-family residential use or zoned for such use on the THPUD preliminary or final development plan, the maximum height shall be 35 feet.
  - (2) Where the property abuts any other land designated for attached single-family or multifamily residential use or institutional use or zoned for such uses on the THPUD preliminary or final development plan, the maximum height shall be 45 feet.

- (3) Where the property abuts any other land designated for commercial use on the THPUD preliminary or final development plan or zoned for commercial or industrial use, the maximum height shall be 60 feet.
- (4) Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
- (5) Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (f) Minimum floor area shall be designated by the developer on the preliminary development plan up to a maximum floor area of 900 square feet.
- (g) Parking requirements. Where the Tiny House planned unit development consists of single-family detached dwellings on platted lots of less than 6,600 square feet, the developer may be required to provide an approved designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles. In addition to the aforementioned parking criteria, Tiny House lots will provide two (2) parking spaces per unit to be consistent with Section 62-3206 (d)(32) for single-family parking.
- (h) Underground utilities. Within the THPUD, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Primary facilities providing service to the site of the THPUD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted aboveground. The planning and zoning board may require that substations be screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the THPUD.
- (i) Development standards. The minimum construction requirement for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of article VII of this chapter, pertaining to subdivisions. Design requirements with respect to streets, sidewalks and drainage may be waived by the county commission upon the recommendation of the planning and development department and the public works department.

**Sec. 62-1477. Same—Approval of preliminary development plan and tentative zoning.**

- (a) Pre-application conference. Before submission of a preliminary application for approval of a Tiny House planned unit development zoning classification, the developer and his registered engineer, architects or site planner are encouraged to meet with the zoning official and such other personnel as necessary to determine the feasibility and suitability of his application. This step is encouraged so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of site and plan preparation.
- (b) Preliminary application.
  - (1) Generally. A preliminary application shall be submitted to the county by the developer requesting approval of the site as a Tiny House planned unit development zone. The

preliminary application shall contain the name of the developer, the surveyor and the engineer who prepared the development plan and topographic data map, and the name of the proposed Tiny House planned unit development.

- (2) Exhibits; contents of development plan. The following exhibits shall be attached to the preliminary application:
- a. A vicinity map indicating the relationship between the Tiny House planned unit development and its surrounding area, including adjacent streets and thoroughfares.
  - b. A development plan that shall contain but not be limited to the following information:
    1. The proposed name or title of the project, and the name of the engineer, architect and developer.
    2. North arrow, scale (one inch equals 200 feet or larger), date and legal description of the proposed site.
    3. The boundaries of the tract shown with bearings, distances, closures and bulkhead lines, all existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
    4. The name and location of adjoining developments and subdivisions.
    5. Proposed parks, school sites or other public or private open space.
    6. Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.
    7. Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary uses, and the total number of dwelling units.
    8. Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
    9. Delineation of specific areas designated as a proposed stage.
    10. A general statement, including graphics, indicating proposed corridors of drainage and their direction, natural drainage areas, specific areas which are to function as retention lakes or ponds, anticipated method for accommodating runoff (curb and gutter, swales or other method), and treatment methods for discharge into area waterways for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.
    11. The general location within the site of each primary residential and secondary use and the proposed amount of land to be devoted to individual ownership.
    12. The proposed method of dedication and administration of proposed common open space.

13. The lot dimensions (width, depth and area) and setbacks and separation distances between primary/primary or primary/accessory or accessory/accessory building locations identified per each development type.
  14. Minimum living area size proposed per each development type with a maximum of 900 square feet of living area allowed.
- (3) Submittal.
- a. The THPUD zoning application and preliminary development plan shall be submitted concurrently to the county.
  - b. The application shall include one black or blue line print of the development plan of the proposed Tiny House planned unit development, and the required exhibits.
- (4) Review procedure.
- a. The preliminary development plan shall be reviewed formally by the county zoning office and such other departments of county government as necessary to determine the consistency of the plan with county plans and policies prior to the submission of the THPUD zoning application to the planning and zoning board of the county. The planning and zoning board shall then review the preliminary plan.
  - b. Upon completion of its review, the planning and zoning board shall recommend to the board of county commissioners the approval, approval subject to conditions, or disapproval of the preliminary development plan application.
- (5) Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:
- a. Degree of departure of the proposed Tiny House planned unit development from surrounding residential areas in terms of character and density.
  - b. Compatibility within the Tiny House planned unit development and relationship with surrounding neighborhoods.
  - c. Prevention of erosion and degrading of surrounding area.
  - d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.
  - e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.
  - f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
  - g. The availability and adequacy of water and sewer service to support the proposed Tiny House planned unit development.
  - h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed Tiny House planned unit development.

- i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a Tiny House planned unit development classification.
  - j. The conformity and compatibility of the Tiny House planned unit development with any adopted development plan of the county.
  - k. The conformity and compatibility of the proposed common open space, primary residential and secondary uses with the proposed Tiny House planned unit development.
- (6) Action by board of county commissioners. Upon receiving the recommendation of the planning and zoning board, the board of county commissioners shall, at a regularly scheduled public meeting, review the recommendation and preliminary development plan, and either approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the THPUD zoning subject to acceptance of the final development plan. The decision of the board of county commissioners shall be based upon a consideration of the facts specified as review criteria for the planning and zoning board in subsection (b)(5) of this section.
- (7) Record of preliminary application. If the preliminary development plan application is approved by the board of county commissioners, a copy of the application and required exhibits shall be maintained within the zoning division of the county.
- (c) Amendment to approved preliminary development plan. If, after the initial approval of the THPUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the board of county commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

**Sec. 62-1478. Same—Approval of final development plan; site plans.**

- (a) Time limits. The developer shall have three years from the date of the approval of the preliminary development plan for a Tiny House planned unit development classification in which to file a final development plan application for the entire property or any stage thereof. At the request of the developer, the zoning official may extend the period required for filing of such application for successive periods of one year each unless and until the comprehensive plan has been amended causing the preliminary development plan to become inconsistent with the comprehensive plan.
- (b) Submittal procedure; required submittals; recording of final engineered THPUD development plan.

(1) Submittal procedure.

Pre-application conference; coordination with county agencies.

The county departments and agencies which should be contacted for guidance prior to submittal of a final development plan are the zoning office, public safety, the public works department and environmental health services. The applicant should have the PZ Form 100 initialed by each department and division contacted.

(2) Scope and contents of final development plan; recording of final development plan; site plans. The final development plan application may request approval for the entire Tiny House planned unit development or any stage designated in the preliminary development plan containing a minimum of one half (0.5) acre. A final development plan, in addition to containing the exhibits, schedule, information and documents required in subsection (b)(2)a of this section, shall conform to the requirements for site plans.

a. Exhibits; required information. The following exhibits shall be attached to the final development plan application:

1. Final engineered THPUD development plan. The location and dimensions of each primary residential, secondary and open space/recreational tract, including each tract's points of ingress and egress. The legal description of each of such tracts and the specific number of units, including the range of unit types to be constructed within each tract, shall be specified. These items will be affixed to the original linen/mylar drawing for recording purposes.
2. Development schedule. The development schedule shall contain the following information:
  - i. The order of construction of the tracts and blocks as delineated in the preliminary development plan.
  - ii. The proposed schedule for the construction and improvement of residential, common open space, and other improvements relative to one another for the purpose described in the definition of "development schedule" as shown in section 62-1471.

**Sec. 62-1479. Same—Review of physical layout and amenities.**

The county shall have the right to evaluate the physical layout, and amenities of the Tiny House planned unit development and to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the development to ensure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the county.

**Sec. 62-1480. Same—Termination of THPUD zone.**

Failure to submit final development plan. Failure of the developer to submit a final development plan for the entire development or a stage within the time periods specified in section 62-1478 shall cause approval of the complete preliminary development plan to be

considered inactive pending reapplication by the applicant or administrative action by the board of county commissioners pursuant to section 62-1152.

SECTION 11. 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 12. 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 13. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 14. 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 15. 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.

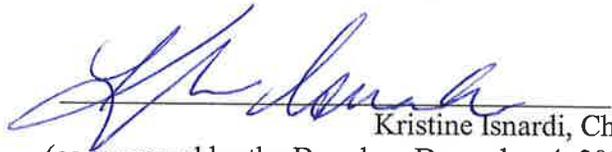
DONE, ORDERED AND ADOPTED, in regular session, this 4<sup>th</sup> day of December, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk



Kristine Isnardi, Chair

(as approved by the Board on December 4, 2018)

( S E A L )

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

5/11/18

**ORDINANCE NO. 2018-27**

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 1, SECTION 62-1102, DEFINITIONS AND RULES OF CONSTRUCTION BY ADDING A DEFINITION FOR TINY HOUSE ON WHEELS (THOW) TO DIFFERENTIATE WHEN IT IS TO BE CONSIDERED A RECREATIONAL VEHICLE OR WHEN IT IS TO BE CONSIDERED A SINGLE-FAMILY DWELLING; AMENDING ARTICLE VI, DIVISION 3, SECTION 62-1255 ESTABLISHMENT OF ZONING CLASSIFICATIONS AND CONSISTENCY WITH COMPREHENSIVE PLAN BY ADDING TINY HOUSE PLANNED UNIT DEVELOPMENT (THPUD) TO THE LISTING OF PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATIONS AND TO ADD THE THPUD USE TO EXHIBIT A TO IDENTIFY WHICH FUTURE LAND USE DESIGNATIONS THE THPUD ZONING CLASSIFICATION IS CONSISTENT WITH; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION II, SECTIONS: SECTION 62-1331 GENERAL USE GU, SECTION 62-1332 PRODUCTIVE AGRICULTURE PA, SECTION 62-1333 AGRICULTURE AGR, SECTION 62-1334 AGRICULTURAL RESIDENTIAL AU AND AU(L) TO ADD AS A PERMITTED USE WITH CONDITIONS TINY HOUSE OR A THOW TO THE LISTING OF EXISTING PERMITTED WITH CONDITIONS USES UNDER CERTAIN CIRCUMSTANCES; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION IV, SECTIONS: SECTION 62-1401 RURAL RESIDENTIAL MOBILE HOME, RRMH-1, RRMH-2.5 AND RRMH-5 AND SECTION 62-1404 MOBILE HOME PARK TR-3 TO ADD AS A PERMITTED USE WITH CONDITIONS TINY HOUSE OR A THOW TO THE LISTING OF EXISTING PERMITTED WITH CONDITIONS USES UNDER CERTAIN CIRCUMSTANCES; CREATING ARTICLE VI, DIVISION 4, SUBDIVISION V, SECTIONS: SECTIONS 62-1471 – 62-1480 FOR TINY HOUSE PLANNED UNIT DEVELOPMENTS (THPUD) TO PROVIDE CRITERIA FOR THIS NEW ZONING CLASSIFICATION; AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II PERMITTED USES WITH CONDITIONS TO ADD CRITERION FOR THE TINY HOUSE OR TINY HOUSE ON WHEELS (THOW) USE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, The Board of County Commissioners desires to create a new zoning classification for the use of Tiny House and/or Tiny House on Wheels (THOWs) within a Planned Unit Development environment; and

WHEREAS, The Board of County Commissioners also wishes to allow Tiny House and/or Tiny House on Wheels (THOWs) as a permitted with conditions use on 2.5 acre lots or larger as the

primary residential structure available to lots zoned for agriculture use [GU, PA, AGR, AU or AU(L)] or mobile home use (RRMH-1, RRMH-2.5, RRMH-5 or TR-3); and

WHEREAS, The Board wishes to establish a baseline of criteria for the new permitted with conditions use as well as create a definition for Tiny House on Wheels (THOWs); and

WHEREAS, the Board of County Commissioners, on August 14, 2018 directed preparation of an amendment to the Zoning Regulations as it relates to creating Tiny House on foundations and Tiny House on Wheels (THOWs) regulations; 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 October 22, 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:

Underline indicates additions.

~~Strike-through indicates deletions.~~

SECTION 1. Section 62-1102. Definitions and rules of construction, Code of Ordinances of Brevard County, Florida, is hereby amended to add to the existing list of definitions a definition for Tiny House on Wheels (THOW) as follows:

**Sec. 62-1102. Definitions and rules of construction.**

Tiny House On Wheels (THOW) – is considered a residential structure when it is anchored to the ground, connected to utilities and meets the requirements of Chapter 22, Article X, Section 22-811 (b) (5). When a THOW is unanchored, it shall be considered to be a recreational vehicle as defined in Chapter 62, Article VI, Section 62-1406 (5)(d) and not a mobile or manufactured home or park trailer as defined by Florida Statute Chapter 320.01.

SECTION 2. Section 62-1844. Tiny House or Tiny House on Wheels (THOW), Code of Ordinances of Brevard County, Florida, is hereby created as follows:

Sec. 62-1844. Tiny House or Tiny House on Wheels (THOW).

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:
  - a. 500 square feet for the TR-3 zoned lots;
  - b. 600 square feet for the PA, RRMH-1, RRMH-2.5, and RRMH-5 zoned lots;
  - c. 750 square feet for the GU, AGR, AU and AU(L) zoned lots.
3. 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 Section 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 3. Section 62-1255 (a). Establishment of zoning classifications and consistency with comprehensive plan and Exhibit A, Code of Ordinances of Brevard County, Florida, are hereby amended to add the Tiny House Planned Unit Development (THPUD) zoning classification to the list of PUD zoning classifications and to identify which land use designations the THPUD zoning may be considered consistent with, as follows:

**Sec. 62-1255. Establishment of zoning classifications and consistency with comprehensive plan.**

- (a) Zoning classifications established. Within the unincorporated areas of the county, the following zoning classifications are hereby established, such zoning classifications being created under this article or being zoning classifications incorporated by reference under this article:
  - (1) Unimproved, agricultural and residential zoning classifications:
    - a. General use zoning classification, GU.
    - b. Productive agricultural zoning classification, PA.
    - c. Agricultural zoning classification, AGR.
    - d. Agricultural residential zoning classification, AU.
    - e. Rural estate use residential zoning classification, REU.

- f. Rural residential zoning classification, RR-1.
  - g. Suburban estate residential use zoning classification, SEU.
  - h. Suburban residential zoning classification, SR.
  - i. Estate use residential zoning classifications, EU, EU-1 and EU-2.
  - j. Single-family residential zoning classifications, RU-1-13 and RU-1-11.
  - k. Single-family residential zoning classification, RU-1-9.
  - l. Single-family residential zoning classification, RU-1-7.
  - m. Single-family attached residential zoning classifications, RA-2-4, RA-2-6, RA-2-8 and RA-2-10.
  - n. Residential-professional zoning classification, RP.
- (2) Multiple-family residential zoning classifications:
- a. Low-density multiple-family residential zoning classifications, RU-2-4, RU-2-6 and RU-2-8.
  - b. Medium-density multiple-family residential zoning classifications, RU-2-10, RU-2-12 and RU-2-15.
  - c. High-density multiple-family residential zoning classification, RU-2-30.
- (3) Mobile home residential and recreational vehicle park zoning classifications:
- a. Rural residential mobile home zoning classifications, RRMH-1, RRMH-2.5 and RRMH-5.
  - b. Single-family mobile home zoning classifications, TR-1 and TR-1-A.
  - c. Single-family mobile home zoning classification, TR-2.
  - d. Mobile home park zoning classification, TR-3.
  - e. Single-family mobile home cooperative zoning classification, TRC-1.
  - f. Recreational vehicle park zoning classification, RVP.
- (4) Planned unit development zoning classifications:
- a. Planned unit development zoning classification, PUD.
  - b. Residential planned unit development zoning classification, RPUD.
  - c. Tiny House planned unit development zoning classification, THPUD.
- (5) Commercial zoning classifications:
- a. Restricted neighborhood retail commercial zoning classification, BU-1-A.
  - b. General retail commercial zoning classification, BU-1.
  - c. Retail, warehousing and wholesale commercial zoning classification, BU-2.
- (6) Tourist commercial and transient commercial zoning classifications:

- a. General tourist commercial zoning classification, TU-1.
  - b. Transient tourist commercial zoning classification, TU-2.
- (7) Industrial zoning classifications:
- a. Planned business park zoning classification, PBP.
  - b. Planned industrial park zoning classification, PIP.
  - c. Light industrial zoning classification, IU.
  - d. Heavy industrial zoning classification, IU-1.
- (8) Special zoning classifications:
- a. Environmental area zoning classification, EA.
  - b. Government managed land zoning classification, GML.
  - c. Institutional zoning classification, IN.

**EXHIBIT A. CONSISTENCY OF ZONING CLASSIFICATIONS WITH FUTURE LAND USE MAP SERIES**

Zoning Classifications	Land Use Designations																
	Agric	Res 1:2.5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15	Res 30	NC	CC	PI	H/L	PUB	REC	PR CON	PUB CON
GU, PA, AGR, RRMH-5, PUD, RPUD, <del>THPUD</del> , RVP					Y						Y*		N				N
AU, REU, RRMH-2.5	N				Y						Y*		N				N
ARR, RR-1, SEU, RRMH-1	N				Y						Y*		N				N
SR, TR-2	N				Y						Y*		N				N
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4		N				Y					Y*		N				N
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6			N				Y				Y*		N				N
RU-2-8, RA-2-8 RA-2-10, RU-2-10			N					Y			Y*		N				N
RU-2-12, RU-2-15			N					Y			Y*		N				N
RU-2-30			N					Y			Y*		N				N
BU-1-A, IN				Y**							Y**		N				N

RP	N	Y**	Y	N	N
BU-1, TU-1, TU-2	N		N	Y	N
BU-2	N		N	Y	Y**
PBP	N		N	Y	Y
PIP	N		N	Y	N
IU, IU-1	N		N	N	Y
EA, GML	Y		Y	Y	Y

Land Use Designations	
Agric—Agriculture	NC—Neighborhood Commercial
Res 1:2.5—Residential (one unit per 2.5 acres)	CC—Community Commercial
Res 1—Residential (one unit per acre)	PI—Planned Industrial
Res 2—Residential (two units per acre)	H/L—Heavy/Light Industrial
Res 4—Residential (four units per acre)	PUB—Public Facilities
Res 6—Residential (six units per acre)	REC—Recreation
Res 10—Residential (ten units per acre)	PR CON—Private Conservation
Res 15—Residential (fifteen units per acre)	PUB CON—Public Conservation
Res 30—Residential (thirty units per acre)	
Explanation of Symbols	
Y—Yes, classification may be considered.	
Y*—Yes, classification may be considered, if permitted by Policy 2.13 of the Future Land Use Element.	
Y**—Yes, classification may be considered if use is transitional, per Policy 2.14 or if permitted by Policy 2.17 of the Future Land Use Element, as applicable.	
N—No, classification may not be considered.	

SECTION 4. Section 62-1331 (1)(b). General use, GU., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1331. General use, GU.**

(1) Permitted uses.

a. Permitted uses are as follows:

Single-family detached residential dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tiny House or a THOW

SECTION 5. Section 62-1332 (1)(b). Productive agricultural, PA., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1332. Productive agricultural, PA.**

- (1) Permitted uses.

- a. Permitted uses are as follows:

Mobile home residential dwelling.

One single-family dwelling unit.

Tenant dwellings: Where there are 40 or more acres under the same ownership, one tenant dwelling unit is permitted for each five acres, not to exceed ten tenant dwelling units in total. Tenant dwelling units shall be set back 200 feet from all property under different ownership.

All agricultural pursuits. The sale of products produced on the property and any other agricultural produce may be sold from roadside stands as provided in chapter 86, article IV.

Raising and grazing of farm animals, fowl raising and beekeeping.

Nurseries and horticultural pursuits.

Parks and public recreational facilities.

Pet kennels.

- b. Permitted uses with conditions. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile home.

Tiny House or a THOW

SECTION 6. Section 62-1333 (1)(b). Agricultural, AGR., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1333. Agricultural, AGR.**

(1) Permitted uses.

- a. Permitted uses are as follows:

Single-family detached residential dwelling.

Mobile home residential dwelling.

Tenant dwellings: Where there are 20 acres or more of land under the same ownership, one tenant dwelling unit is permitted for each five acres, not to exceed a total of ten tenant dwellings.

Agricultural pursuits, including the packing and processing of commodities raised on the premises. The sale of products produced on the property and any other agricultural produce may be sold from roadside stands as provided in chapter 86, article IV.

Raising and grazing of animals.

Bed and breakfast inns.

Dude ranches, with a minimum site size of 40 acres.

Landscaping businesses.

Parks and public recreational facilities.

Pet kennels.

Plant nurseries and sale of plants raised on the premises.

Private golf courses.

Foster homes.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps.

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile home.

Tiny House or a THOW

SECTION 7. Section 62-1334 (1)(b). Agricultural residential, AU and AU(L), Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1334. Agricultural residential, AU and AU(L).**

(1) Permitted uses.

- a. (1) Permitted uses within the AU classification are as follows:

Single-family detached residential dwelling.

All agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises as provided in chapter 86, article IV.

Raising and grazing of animals.

Dude ranches, with a minimum area of 40 acres. Barns or stables shall be 200 feet from any property line.

Fowl raising and beekeeping.

Parks and public recreational facilities.

Plant nurseries.

Private golf courses.

Private camps.

Foster homes.

- (2) Permitted uses within the AU(L) sub-classification are as follows:

Single-family detached residential dwelling.

Agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in section 62-2108.

Parks and public recreational facilities.

Foster homes.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps (section 62-1835.4.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Landscaping business (section 62-1837).

Mobile home residential dwelling (section 62-1837.7.5).

Power substations, telephone exchanges and transmission facilities (section 62-1839).

Preexisting use (section 62-1839.7).

Private parks and playgrounds (section 62-1840).

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile homes (section 62-1843).

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership. Tenant dwellings must be 100 feet from property of different ownership (section 62-1842.5).

#### Tiny House or a THOW

SECTION 8. Section 62-1401 (1)(b). Rural residential mobile home, RRMH-1, RRMH-2.5 and RRMH-5., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1401. Rural residential mobile home, RRMH-1, RRMH-2.5 and RRMH-5.**

(1) Permitted uses.

a. Permitted uses are as follows:

One single-family mobile home or detached dwelling unit.

Parks and public recreational facilities.

Private golf courses.

Sewer lift stations.

Foster homes.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power and telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Temporary living quarters during construction of a residence.

Tiny House or a THOW

SECTION 9. Section 62-1404 (1)(b). Mobile home park, TR-3., Code of Ordinances of Brevard County, Florida, is hereby amended to add Tiny Houses and THOWs as a permitted with conditions use as follows:

**Sec. 62-1404. Mobile home park, TR-3.**

(1) *Permitted uses.*

a. *Permitted uses are as follows:*

*Mobile homes and modular coaches, exclusive of travel trailers and recreational vehicles.*

*Parks and public recreational facilities.*

- b. *Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):*

*Preexisting use.*

*Temporary living quarters during construction of a residence.*

Tiny House or a THOW

SECTION 10. Create Sections: 62-1471 - 62-1480 for Tiny House Planned Unit Developments, THPUD, Code of Ordinances of Brevard County, Florida, to allow Tiny House and THOW developments as a new PUD zoning classification type as follows:

**Sec. 62-1471. THPUD—Definitions and rules of construction.**

For the purpose of this subdivision, certain words and terms used in this subdivision shall be defined as provided in this section. Words used in the present tense shall include the future tense, words used in the singular number shall include the plural number, and words used in the plural number shall include the singular number. The word "shall" is mandatory. The word "person" includes any individual, group of persons, firm, corporation, association or organization, and any legal public entity.

Common open space means a parcel or parcels of land, or a combination of land and water, within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space shall be integrated throughout the planned unit development to provide for a linked recreational/open space system. All common open space shall complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.

THPUD Development plan means the total site plan of the Tiny House planned unit development drawn in conformity with the requirements of this subdivision. The development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads and common open space.

Development schedule means a comprehensive statement showing the type and extent of development proposed and the order in which development is to be undertaken. A development schedule shall contain an exact description of the relative order of development of residential, common open space and other improvements. The purpose of the development schedule is to assure that required open space is developed at a rate commensurate with the residential uses it supports.

Final engineered development plan means the engineered subdivision plan approved by the board of county commissioners and recorded with the clerk of the circuit court of the county according to the provisions of this subdivision for any stage or tract within the THPUD.

Tiny House planned unit development and THPUD means an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or

group of developers acting jointly, which is totally planned to provide for a variety of residential uses and common open space.

Preliminary development plan means the development plan approved by the board of county commissioners and filed with approval by the county of a Tiny House planned unit development zoning classification on the official zoning map of the county.

Preliminary development plan application means the application for zoning approval of the use of a site as a Tiny House planned unit development and for approval of the required exhibits as specified in this subdivision.

Tract means an area delineated within a stage, except single-unit lots, which is separate unto itself, having a specific legal description of its boundaries. A tract will delineate all land uses such as common open space, recreational areas, residential areas (except single-unit lots) and all other applicable areas.

**Sec. 62-1472. Same—Purpose and intent.**

- (a) The Tiny House planned unit development (THPUD) is a concept which encourages and permits variation in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a Tiny House planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.
- (b) This subdivision is intended to establish procedures and standards for Tiny House planned unit developments within the unincorporated areas of the county, in order that the following objectives may be attained:
- (1) Accumulation of significant areas of usable open spaces for the preservation of natural amenities.
  - (2) Flexibility in design to take the greatest advantage of natural land, trees, historical features and other features.
  - (3) Creation of a variety of housing types and compatible neighborhood arrangements that gives the home buyer greater choice in selecting types of environment and living units.
  - (4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.
  - (5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.

- (6) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the Tiny House planned unit development.
- (7) Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the county of proposed land use, site considerations, lot and setback considerations, public needs and requirements, and health and safety factors.
- (c) In order to accomplish the objectives of this section, the applicant of a THPUD will propose, and the county may consider: minimum living area requirements; lot width, depth and area standards; and proposed setback criteria for front, side, side street, and rear setbacks.

**Sec. 62-1473. Same—Permitted uses.**

(a) The THPUD zoning classification is designed to allow an applicant to submit a proposal for consideration and to allow the board of county commissioners to approve any proposal which it believes to be in the best interest of the public health, safety and welfare, along with any conditions or limitations thereon which the board of county commissioners deems advisable. Rezoning to the THPUD zoning classification shall be an entirely voluntary procedure to be pursued only at the option of the applicant. Approval of the THPUD zoning classification rests with the board of county commissioners, based upon its determination that the proposed development is in the best interests of the county.

(b) Permitted uses with conditions are as follows:

Power substations, telephone exchanges and transmission facilities.

**Sec. 62-1473.5. Same—Accessory buildings and uses.**

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

**Sec. 62-1474. Same—Conditional uses.**

Uses otherwise listed as conditional use permits in this division 5, subdivision III of this article may be specified as part of a preliminary development plan application process without the necessity to request a separate conditional use permit, as long as the requested use is consistent with the comprehensive plan. Owners of parcels within the THPUD may request additional conditional use permits after the preliminary development plan is approved by undertaking the standard conditional use permit application process without applying for an amendment to the THPUD preliminary development plan.

Sec. 62-1475. Same—Maintenance and operation of common facilities and common open space.

- (a) Common open space, drainage systems, private roads and other related common facilities shall be maintained for their intended purpose as expressed in the final development plan. One or a combination of the following methods shall be utilized for maintaining common facilities:
- (1) Maintenance may be provided for by public dedication to the county. This method is subject to formal acceptance by the county in its sole discretion.
  - (2) Maintenance may be provided for by establishment of an association or nonprofit corporation of all individuals or corporations owning property within the Tiny House planned unit development to ensure the maintenance of all common facilities.
  - (3) Maintenance may be provided for by retention of ownership, control and maintenance of common facilities by the developer.
  - (4) The developer may also request or the county may require that the maintenance of common facilities be funded through a municipal service taxing or benefit unit as provided by F.S. § 125.01.
  - (5) Maintenance may be provided by a community development district or other non-profit, public or quasi-public agency whose stated purpose includes perpetual maintenance of such common facilities.
- (b) All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final engineered development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final engineered development plan. Such deed restrictions shall run with the land and are for the benefit of present as well as future property owners and shall contain a prohibition against partition.
- (c) All common open space and recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
- (d) If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:
- (1) The developer must establish the association or nonprofit corporation prior to the sale of any lots, parcels or tracts.
  - (2) Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the Tiny House planned unit development, and the association or corporation shall not discriminate in its members or shareholders.
  - (3) The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, and shall provide for the maintenance, administration and operation of such land and any other land within the Tiny House planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land.

- (4) If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space, or appropriate shares in the association.

Sec. 62-1476. Same—Land use regulations.

(a) Minimum and maximum size.

The minimum size for a THPUD shall be 0.5 acres. The maximum size for a THPUD shall be 10.0 acres.

(b) Maximum density.

(1) The average density permitted in each THPUD shall be established by the board of county commissioners, upon recommendation of the planning and zoning board. The criteria for establishing an average density include existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the recommended density of any land use involving the area in question.

(2) Where a developer elects to develop the property in stages, the cumulative density with each subsequent stage must be approximately the same as the overall density approved for the entire project in that such cumulative density shall not vary upward more than two units per acre. Upon completion of all stages, the final density shall not exceed the density approved in the preliminary development plan.

(c) Minimum common recreation and open space. Thirty percent (30%) of the gross site acreage shall be delineated as tracts for common recreation and open space. Allocation of common recreation and open space facilities shall be determined utilizing the definition of the term "usable common open space" in section 62-1102.

(d) Minimum lot area, frontage and setbacks; accessory uses.

(1) The developer shall propose minimum lot dimensions (width, depth and lot area) as part of the preliminary development plan document.

(2) Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly, via an approach private road, pedestrian way, court or other area dedicated to public or private use guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The county shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area to meet emergency needs, to conduct county services, and to generally ensure the health and safety of the residents of the THPUD.

(3) Setbacks and minimum distances between structures are as follows: \_\_\_\_\_  
The developer shall propose all primary and accessory building setbacks and separation distances between structures as part of the preliminary development plan document.

(4) A minimum 25-foot setback shall be maintained between the wall of any structure and the property line along the perimeter of the THPUD unless waived by the board of county commissioners at the time the preliminary development plan is approved.

- (5) A twenty-five (25) foot wide perimeter landscaped buffer tract(s) shall be required from abutting property not under the ownership of the developer.
- (6) On property bordering the ocean, a minimum of 30 percent of the ocean frontage shall be left open as breezeway/visual corridor. On property bordering a river, a minimum of 30 percent of the river frontage shall be left open as breezeway/visual corridor.
- (7) On property bordering the ocean, setbacks from the ocean on oceanfront property shall be governed by the provisions of article XII of this chapter.
- (e) Maximum height of structures.
- (1) Where the property abuts any other land designated for single-family residential use or zoned for such use on the THPUD preliminary or final development plan, the maximum height shall be 35 feet.
- (2) Where the property abuts any other land designated for attached single-family or multifamily residential use or institutional use or zoned for such uses on the THPUD preliminary or final development plan, the maximum height shall be 45 feet.
- (3) Where the property abuts any other land designated for commercial use on the THPUD preliminary or final development plan or zoned for commercial or industrial use, the maximum height shall be 60 feet.
- (4) Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
- (5) Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (f) Minimum floor area shall be designated by the developer on the preliminary development plan up to a maximum floor area of 900 square feet.
- (g) Parking requirements. Where the Tiny House planned unit development consists of single-family detached dwellings on platted lots of less than 6,600 square feet, the developer may be required to provide an approved designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles. In addition to the aforementioned parking criteria, Tiny House lots will provide two (2) parking spaces per unit to be consistent with Section 62-3206 (d)(32) for single-family parking.
- (h) Underground utilities. Within the THPUD, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Primary facilities providing service to the site of the THPUD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted aboveground. The planning and zoning board may require that substations be screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the THPUD.
- (i) Development standards. The minimum construction requirement for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of article VII of this chapter, pertaining to subdivisions. Design requirements

with respect to streets, sidewalks and drainage may be waived by the county commission upon the recommendation of the planning and development department and the public works department.

**Sec. 62-1477. Same—Approval of preliminary development plan and tentative zoning.**

(a) Pre-application conference. Before submission of a preliminary application for approval of a Tiny House planned unit development zoning classification, the developer and his registered engineer, architects or site planner are encouraged to meet with the zoning official and such other personnel as necessary to determine the feasibility and suitability of his application. This step is encouraged so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of site and plan preparation.

(b) Preliminary application.

(1) Generally. A preliminary application shall be submitted to the county by the developer requesting approval of the site as a Tiny House planned unit development zone. The preliminary application shall contain the name of the developer, the surveyor and the engineer who prepared the development plan and topographic data map, and the name of the proposed Tiny House planned unit development.

(2) Exhibits; contents of development plan. The following exhibits shall be attached to the preliminary application:

a. A vicinity map indicating the relationship between the Tiny House planned unit development and its surrounding area, including adjacent streets and thoroughfares.

b. A development plan that shall contain but not be limited to the following information:

1. The proposed name or title of the project, and the name of the engineer, architect and developer.

2. North arrow, scale (one inch equals 200 feet or larger), date and legal description of the proposed site.

3. The boundaries of the tract shown with bearings, distances, closures and bulkhead lines, all existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.

4. The name and location of adjoining developments and subdivisions.

5. Proposed parks, school sites or other public or private open space.

6. Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.

7. Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary uses, and the total number of dwelling units.

8. Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
9. Delineation of specific areas designated as a proposed stage.
10. A general statement, including graphics, indicating proposed corridors of drainage and their direction, natural drainage areas, specific areas which are to function as retention lakes or ponds, anticipated method for accommodating runoff (curb and gutter, swales or other method), and treatment methods for discharge into area waterways for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.
11. The general location within the site of each primary residential and secondary use and the proposed amount of land to be devoted to individual ownership.
12. The proposed method of dedication and administration of proposed common open space.
13. The lot dimensions (width, depth and area) and setbacks and separation distances between primary/primary or primary/accessory or accessory/accessory building locations identified per each development type.
14. Minimum living area size proposed per each development type with a maximum of 900 square feet of living area allowed.

(3) Submittal.

- a. The THPUD zoning application and preliminary development plan shall be submitted concurrently to the county.
- b. The application shall include one black or blue line print of the development plan of the proposed Tiny House planned unit development, and the required exhibits.

(4) Review procedure.

- a. The preliminary development plan shall be reviewed formally by the county zoning office and such other departments of county government as necessary to determine the consistency of the plan with county plans and policies prior to the submission of the THPUD zoning application to the planning and zoning board of the county. The planning and zoning board shall then review the preliminary plan.
- b. Upon completion of its review, the planning and zoning board shall recommend to the board of county commissioners the approval, approval subject to conditions, or disapproval of the preliminary development plan application.

(5) Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

- a. Degree of departure of the proposed Tiny House planned unit development from surrounding residential areas in terms of character and density.
  - b. Compatibility within the Tiny House planned unit development and relationship with surrounding neighborhoods.
  - c. Prevention of erosion and degrading of surrounding area.
  - d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.
  - e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.
  - f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
  - g. The availability and adequacy of water and sewer service to support the proposed Tiny House planned unit development.
  - h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed Tiny House planned unit development.
  - i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a Tiny House planned unit development classification.
  - j. The conformity and compatibility of the Tiny House planned unit development with any adopted development plan of the county.
  - k. The conformity and compatibility of the proposed common open space, primary residential and secondary uses with the proposed Tiny House planned unit development.
- (6) Action by board of county commissioners. Upon receiving the recommendation of the planning and zoning board, the board of county commissioners shall, at a regularly scheduled public meeting, review the recommendation and preliminary development plan, and either approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the THPUD zoning subject to acceptance of the final development plan. The decision of the board of county commissioners shall be based upon a consideration of the facts specified as review criteria for the planning and zoning board in subsection (b)(5) of this section.
- (7) Record of preliminary application. If the preliminary development plan application is approved by the board of county commissioners, a copy of the application and required exhibits shall be maintained within the zoning division of the county.
- (c) Amendment to approved preliminary development plan. If, after the initial approval of the THPUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or

deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the board of county commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

**Sec. 62-1478. Same—Approval of final development plan; site plans.**

(a) Time limits. The developer shall have three years from the date of the approval of the preliminary development plan for a Tiny House planned unit development classification in which to file a final development plan application for the entire property or any stage thereof. At the request of the developer, the zoning official may extend the period required for filing of such application for successive periods of one year each unless and until the comprehensive plan has been amended causing the preliminary development plan to become inconsistent with the comprehensive plan.

(b) Submittal procedure; required submittals; recording of final engineered THPUD development plan.

(1) Submittal procedure.

Pre-application conference; coordination with county agencies.

The county departments and agencies which should be contacted for guidance prior to submittal of a final development plan are the zoning office, public safety, the public works department and environmental health services. The applicant should have the PZ Form 100 initialed by each department and division contacted.

(2) Scope and contents of final development plan; recording of final development plan; site plans. The final development plan application may request approval for the entire Tiny House planned unit development or any stage designated in the preliminary development plan containing a minimum of one half (0.5) acre. A final development plan, in addition to containing the exhibits, schedule, information and documents required in subsection (b)(2)a of this section, shall conform to the requirements for site plans.

a. Exhibits; required information. The following exhibits shall be attached to the final development plan application:

1. Final engineered THPUD development plan. The location and dimensions of each primary residential, secondary and open space/recreational tract, including each tract's points of ingress and egress. The legal description of each of such tracts and the specific number of units, including the range of unit types to be constructed within each tract, shall be specified. These items will be affixed to the original linen/mylar drawing for recording purposes.

2. Development schedule. The development schedule shall contain the following information:

- i. The order of construction of the tracts and blocks as delineated in the preliminary development plan.
- ii. The proposed schedule for the construction and improvement of residential, common open space, and other improvements relative to one another for the purpose described in the definition of "development schedule" as shown in section 62-1471.

**Sec. 62-1479. Same—Review of physical layout and amenities.**

The county shall have the right to evaluate the physical layout, and amenities of the Tiny House planned unit development and to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the development to ensure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the county.

**Sec. 62-1480. Same—Termination of THPUD zone.**

Failure to submit final development plan. Failure of the developer to submit a final development plan for the entire development or a stage within the time periods specified in section 62-1478 shall cause approval of the complete preliminary development plan to be considered inactive pending reapplication by the applicant or administrative action by the board of county commissioners pursuant to section 62-1152.

SECTION 11. 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 12. 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 13. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 14. 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 15. 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 4<sup>th</sup> day of December, 2018.

Attest:

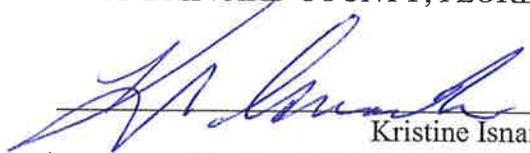
BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



A blue ink signature of Scott Ellis, consisting of stylized initials and a surname, written over a horizontal line.

Scott Ellis, Clerk

( S E A L )



A blue ink signature of Kristine Isnardi, consisting of stylized initials and a surname, written over a horizontal line.

Kristine Isnardi, Chair  
(as approved by the Board on December 4, 2018)

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