



AGENDA REPORT
August 14, 2018

**Legislative Intent and Permission to Advertise, Re: Code Revisions to Allow
Tiny Houses**

SUBJECT:

Legislative Intent and Permission to Advertise Revisions to Chapter 62, Article VI, Zoning Regulations (Tiny Houses on Foundations and Tiny Houses on Wheels as Permanent Residence)

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve the legislative intent and grant permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations to allow for Tiny Houses on Foundations and Tiny House on Wheels (THOWs) as permanent residences.

SUMMARY EXPLANATION and BACKGROUND:

The Board, on May 8, 2018, directed staff to bring them back options to amend the Zoning Regulations allowing tiny houses as permanent residences. The attached staff report provides the basis of the code changes. The premise is to create three new zoning classifications that will provide for tiny house planned unit developments, urban, and agricultural tiny houses.

1. Tiny House Planned Unit Development (THPUD) zoning classification establishes certain minimum standards (e.g., 25-ft. buffer tract, 30% open space, 40% lot coverage, and access to a public or privately maintained road). It also provides the developer flexibility to determine minimum standards including, but not limited to, lot width, lot depth, lot size, etc. This provides the potential for tiny houses to be located in Agricultural (AGR) through Residential 30 (RES 30) residential Future Land Use designations, and Neighborhood Commercial (NC) and Community Commercial (CC) commercial Future Land Use designations.
2. Tiny House Urban (TH-U) zoning classification mirrors the minimum development criteria (e.g., 50-ft. lot width, 75-ft. lot depth, and 5,000 sq. ft. area) of the existing

Single-Family Residential (RU-1-7), except for minimum living area. RU-1-7 is one of the County's smallest standard single-family residential zoning classifications. The proposed minimum living area is 120 sq. ft. This provides the potential for tiny houses to be located in Residential 6 (RES 6) through RES 30 residential Future Land Use designations, and NC and CC commercial Future Land Use designations.

3. Tiny House Agricultural (TH-A) zoning classification is similar to the existing agricultural zoning classifications. The proposed minimum development criteria are established (e.g., 125-ft. lot width, 125-ft. lot depth, and 2.5 acres area). The proposed minimum living area is 120 sq. ft. This provides the potential for tiny houses to be located in residential Future Land Use designations of Residential 1:2.5 (RES 1:2.5) through RES 30, and NC and CC commercial Future Land Use designations.

Also, at the May 8th meeting, the Board directed staff to draft construction standards for tiny houses on wheels (THOWs). Planning & Development will bring a draft of the standards to the Board in the near future.

ATTACHMENTS:

Description

- **Tiny House Report**
- **Public Comment**



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

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August 15, 2018

M E M O R A N D U M

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



BOARD OF COUNTY COMMISSIONERS

Planning & Development
 2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940

Tiny House Report - Update

Report in Brief:

The Board, on May 8, 2018, directed staff to establish minimum construction standards for options to allow Tiny Houses on Foundations and Tiny Houses on Wheels (THOWs) as permanent residences and to bring back zoning options to provide for tiny houses. This report focuses on the Board’s direction regarding the zoning piece of tiny houses. Staff is finalizing a draft of the THOW construction standards, which will come back before the Board under a separate agenda item.

Staff is proposing the creation of three new zoning classifications that will provide tiny houses for permanent residences based on the culmination/consensus received from various meetings. Those new classifications are the Tiny House Planned Unit Developments (THPUD); small lot “urban” usage Tiny House Urban (TH-U) zoning; and large lot “agricultural” usage Tiny House Agricultural (TH-A) zoning classifications. Tiny Houses on Foundations and Tiny Houses on Wheels (THOWs) are identified as permitted uses in each of the proposed zoning classifications. Since these are new zoning classifications, each request will proceed through the public hearing process, where the Board would evaluate each request to establish the tiny house classification.

Options for Tiny House Zoning Classifications:

The tables below present options for consideration in locating Tiny Houses on Foundations and THOWs, to be implemented through new provisions within the Brevard County Zoning Code. The following options delineate provisions that would allow for the creation of three (3) new zoning classifications.

Table 1. TINY HOUSE PLANNED UNIT DEVELOPMENT		
Tiny House Planned Unit Development (THPUD)	Developer Defined in PDP	Minimum Living Area
	900 Sq. Ft.	Maximum Living Area
	Developer Defined in PDP	Minimum Lot Width
	Developer Defined in PDP	Minimum Lot Depth
	Developer Defined in PDP	Minimum Lot Area
Permitted Uses	40%	Maximum Lot Coverage
Single Family Residence	30%	Minimum Common Open Space
Tiny House On Wheels	Developer Defines in PDP	Minimum Setbacks (Front / Sides / Rear)
	25'	Perimeter Landscape Buffer Tract
	10 Acres	Maximum Development Acreage
	AGR through Res 30, NC, CC	Consistent FLU Designations

Additional THPUD Criteria	<ul style="list-style-type: none"> * Accessory structures must be located in a common area/tract * At the time of plat submission, the plat shall designate the method of perpetual maintenance and ownership of common facilities as required in section 62-1445(a). * 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 PUD. * Underground utilities shall be required.
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Table 1 provides information for consideration of tiny house residential development within a new Planned Unit Development (PUD) designed for the flexibility of tiny houses. The PUD is a concept which encourages and permits variation in development by allowing flexibility in development standards such as lot size, bulk or type of dwellings, density, lot coverage, and open space from what is required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial, and institutional land uses.

Table 2. SMALL AND LARGE LOT TINY HOUSE ZONING CLASSIFICATIONS			
Tiny House Urban Zoning Classification (TH-U) Permitted Uses Single Family Residence Tiny House On Wheels	120 Sq. Ft. 50' 75' 5000 Sq. Ft. 20' Front / 5' Sides / 20' Rear Res 6 through Res 30, NC, CC	Minimum Living Area Minimum Lot Width Minimum Lot Depth Minimum Lot Area Minimum Setbacks Consistent FLU Designations	
Tiny House Agricultural Zoning Classification (TH-A) Permitted Uses Single Family Residence Tiny House On Wheels	120 Sq. Ft. 150' 150' 2.5 acres 25' Front / 15' Sides / 20' Rear Res 1:2.5 through Res 30, NC, CC	Minimum Living Area Minimum Lot Width Minimum Lot Depth Minimum Lot Area Minimum Setbacks Consistent FLU Designations	

Table 2 provides information for the creation of two (2) new “Tiny House” zoning classifications within the County’s land development regulations. This option would allow consideration of tiny houses either as infill within an urbanized area or for residential usage within large agricultural tracts. In addition, subdivision development could occur in larger areas with these identified zoning classifications. Staff has proposed the creation of specific provisions to appropriately control and restrict the land use and ensure the consistency and compatibility with the comprehensive plan and surrounding development. Creating these new residential zoning classifications would involve drafting an ordinance to include minimum living area, lot width, depth and area criterion, setbacks, and consistency with certain Future Land Use (FLU) designations. The ordinance would necessitate public hearings and, ultimately, approval

by the Board of County Commissioners. Creation of the new zoning classifications would require that every request for rezoning would come before the Board for approval.

Summary:

This report presents options for the Board's consideration that would allow for the expansion of Tiny Houses on Foundations and THOWs as permanent residences. Upon the Board granting legislative intent and permission to advertise, staff will incorporate the Board's input on the aforementioned criteria into an ordinance for code revision.

BRAVEHEART PROPERTIES

August 9, 2018
Tiny House Report
Board of County Commissioners
2725 Judge Fran Jamison Way
Building A, Room 114
Viera, Florida 32940

Dear Board of County Commissioners,

Braveheart Properties is very excited to see the willingness of our county to legalize and regulate tiny houses, thus allowing for permanent placement and residence.

Braveheart Properties is a Florida non-for-profit providing affordable housing to displaced veterans, widows, and working families. We have been developing a 33.75 acre TR 3 zoned manufactured home property in unincorporated Cocoa for the last 3 years, and we currently provide housing to seven tenants/families that would have otherwise become homeless, due to medical crisis or job loss.

As you know, quality affordable housing is becoming increasingly difficult to find and build here in our county, creating a quickly growing population that is becoming unable to afford even the basic necessities of life, the most important being housing.

We have researched the most efficient and effective ways to best provide affordable housing to those living in Brevard County. We have discovered that many of the affordable options are not always the best long term solutions for residents, neighbors, and our county as a whole. Many cheaper options are not energy efficient, or are built in ways that are not environmentally sensitive, and do not maintain a safe, and aesthetically pleasing environment as they age.

Although, we do not believe tiny houses are the answer for everyone we do believe they could be the answer for some. ADA designs for aging folks, veterans, and widows. Smaller footprints for young couples just getting started in our area, and most certainly for working single moms and dads. Tiny homes could most certainly be an affordable answer.

The progress allowing permanent, legal, tiny house residence in the new zoning classifications, that have been proposed (THPUD, TH-U, TH-A) is an amazing start, however,

I believe there could be even more zoning applications that are already in place that could ease affordable house burdens immediately.

I respectfully submit, if tiny houses, both on wheels and on foundations were allowed into TR 3 zoned manufactured housing developments that allowed for lot rental and lot ownership, such as our property, we could begin solving immediately one of our counties biggest issues, affordable housing.

I would like to request that the Board of County Commissioners consider adding to the current zoning classifications being considered, to also grant allowance for the presence of tiny houses as permanent residence in TR3 zoning as well.

I have attached some renderings of our design for our property as well.

Thank you for your time and consideration of this matter.

Sincerely yours,

Jinkie Echols

Vice President, Braveheart Properties of Brevard

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