File #: 4876, **Version:** 1

Subject:

Legislative Intent and Permission to Advertise Amendments to Sec. 62-1844, Brevard County Code of Ordinances RE: Criteria for Tiny Homes and Tiny Homes on Wheels

Fiscal Impact:

Cost of advertisement of associated ordinance amendments

Dept/Office:

District 3 Commission Office

Requested Action:

Legislative intent and permission to advertise is sought in amending Sec. 62-1844, as follows:

(2) Contain a minimum living area of 120 square feet up to a maximum floor area of 750 square feet~~:~~

~~a. Five hundred square feet for the TR-3 zoned lots;~~

~~b. Six hundred square feet for the PA, RRMH-1, RRMH-2.5, and RRMH-5 zoned lots;~~

~~c. Seven hundred fifty square feet for the GU, AGR, AU and AU(L) zoned lots~~

(3) Except in TR-3 zoned lots, ~~W~~when placed upon a lot as the primary residential structure, the tiny house or THOW shall be the only primary residential structure allowed upon that lot.

(4) When a tiny house or THOW is permitted as the primary residential structure, accessory structures shall be allowed to utilize a floor area up to 600 square feet and to be exempt from the size limitation noted in subsections 62-2100.5(1)(b) and (1)(d).

~~(5) Before zoning approval is granted for a tiny house or THOW building permit, the applicant/owner shall submit notarized approval forms from each abutting developed property owner to the planning and development department.~~

Summary Explanation and Background:

Currently, the TR-3 (mobile home park) classification does not generally allow for site-built single family detached structures, except for tiny homes. Because of this, those wishing to construct site-built tiny homes on TR-3 zoned property are limited to no more than 500 sq. ft. in minimum floor area, as outlined in Sec. 62-1844, Brevard County Code of Ordinances.

This differs from other classifications in which the Board has allowed for tiny homes as a Permitted Use with Conditions. For example, while a person willing to build a tiny home is seemingly constrained to a floor area no more than 600 square feet in RRMH-1, a builder is able to build a “detached dwelling unit” in that zoning class at sizes beginning at 600

square feet of floor area, rendering this of little or no constraint to a builder.

It is suggested that the Board amend Sec. 62-1844(2) to create a common maximum floor space for tiny homes across all zoning classifications where it is a Permitted Use with Conditions of 750 sq. ft. This would serve to allow for the construction of a tiny home between 120 sq. ft and 750 sq. ft. on TR-3, while also simplifying the code to create a common definition of a tiny home across all zoning classifications that allow for them.

Furthermore, Sec. 62-1844(3) could be interpreted to preclude more than one tiny home in a mobile home park zoned TR-3, which would be inconsistent with the purpose of allowing tiny homes in this zoning class.

Finally, requiring those that have property that the Board has judged as appropriate for tiny homes to gain their neighbors approval to fully exercise their rights is inconsistent with other uses within our Code and serves as an unreasonable and irrational barrier to development.

In summary, legislative intent and permission to advertise is sought to make the following 3 changes to Sec. 62-1844, Brevard County Code of Ordinances:

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

To be clear, these changes do not add tiny homes to any zoning class, it merely simplifies the conditions to have a tiny home in those classes this Board already approved.

Clerk to the Board Instructions:

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