Mayor
Marni L. Sawicki
Council Members
District 1: James D. Burch
District 2: John M. Carioscia Sr.
District 3: Marilyn Stout
District 4: Richard Leon
District 5: Rana M. Erbrick
District 6: Richard Williams
District 7: Jessica Cosden

City Manager
John Szerlag
City Attorney
Dolores Menendez
City Auditor
Andrea R. Butola
City Clerk
Rebecca van Deutekom

1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA
COMMITTEE OF THE WHOLE

May 22, 2017	4:30 PM	Council Chambers

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

1. MEETING CALLED TO ORDER

A. MAYOR SAWICKI

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A. MAYOR SAWICKI, COUNCIL MEMBERS BURCH, CARIOSCIA, COSDEN, ERBRICK, LEON, STOUT, WILLIAMS

4. BUSINESS:

A. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government; 3 minutes per individual.

B. DISCUSSION

(1) Five Year Major and Local Resurfacing Plans (FY2017-FY2021)
(2) Medical Marijuana
(3) Tiny Houses

5 ROUND TABLE DISCUSSION

6. TIME AND PLACE OF FUTURE MEETINGS

A. A Regular Meeting of the Cape Coral City Council is Scheduled for

7. MOTION TO ADJOURN

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state of local law.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

*PUBLIC HEARINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT CASES

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.

2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then

members of the public.

3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.

4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.

5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.

6. If a person decides to appeal any decision made by the City Council 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 purpose, 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.

Item Number:	**B.(1)**
Meeting Date:	**5/22/2017**
Item Type:	**DISCUSSION**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Five Year Major and Local Resurfacing Plans (FY2017- FY2021)

REQUESTED ACTION:
Informational

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	Yes
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

Planning & Zoning/Staff Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

1. Each year Public Works staff re-evaluates and updates the Five Year Major and Local Road Resurfacing Plans for the next five year resurfacing schedule, and if required, adjust resurfacing priorities to accommodate changes to the previously projected road conditions or circumstances
2. Public Works staff presented the updated Five Year Major and Local Road Resurfacing Plans to CTAC on March 15, 2017 for their review. Staff indicated the plans would be presented to full Council at a future meeting.

LEGAL REVIEW:

EXHIBITS:
Power Point Presentation
REVISED MAPS - Five Year Major and Local Resurfacing Maps (FY2017- FY2021)

PREPARED BY:

Michelle Royals, Principal Engineer	Division-	Design and Construction	Department-	Public Works	

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

	Description	Type
	FY 2017 - FY 2021 Five Year Paving Plan Presentation - Michelle Royals, Principal Engineer	Backup Material
	REVISED MAP - Local Road Resurfacing Plan	Backup Material
	REVISED MAP - Major Road Resurfacing Plan	Backup Material

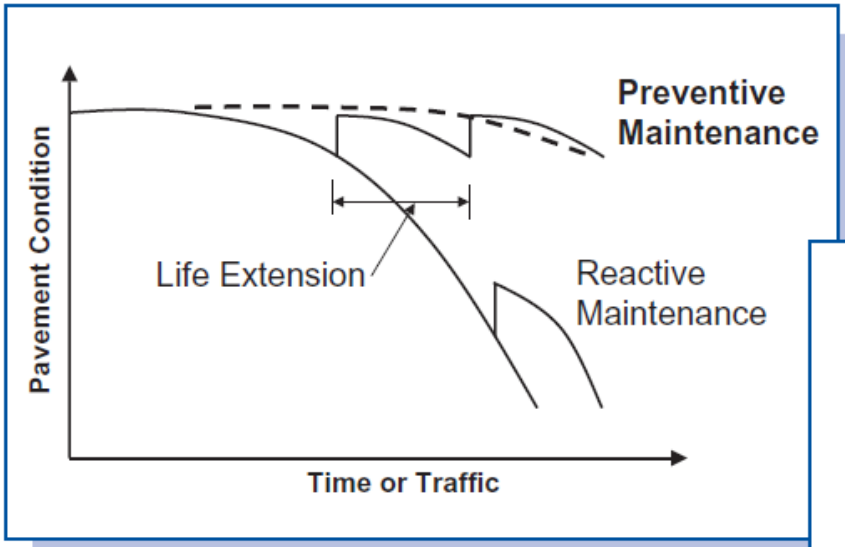
City of Cape Coral
FY 2017 – FY 2021
Five Year Paving Plan
Major & Local Roads

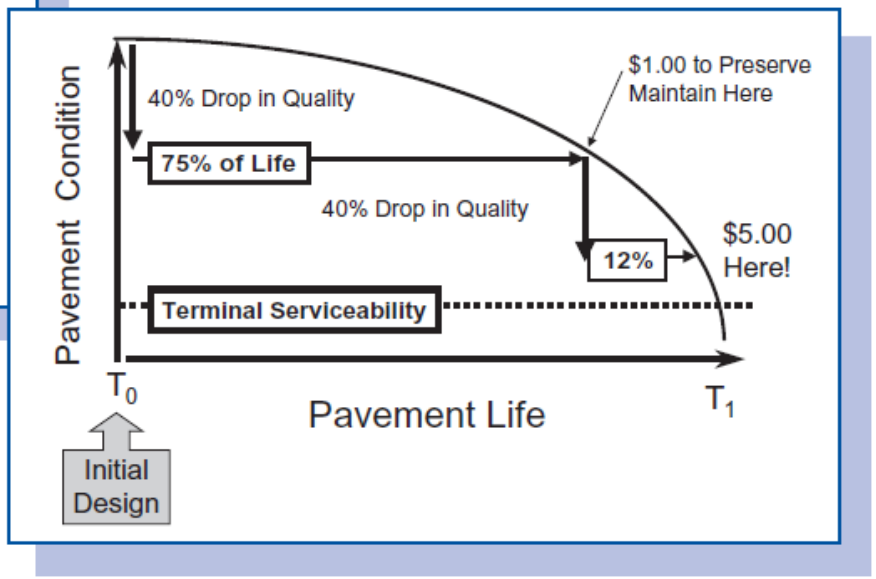
COW
May 22, 2017

Priorities for Pavement Resurfacing

- **Priority 1 – Major roads with high traffic volumes have the highest priority for resurfacing.**
- **Priority 2 - Residential streets with all utilities in place with high population and traffic density.**
- **Priority 3 - Residential streets with sparse population and light traffic.**

If you are filling potholes and repairing major cracks, it's probably too late.





Due to the efforts of City Council and the City Manager toward revenue diversification, since 2012 the Public Works Department resurfaced :

328 of the 2,472 Lane Miles of Local Roads or 13%

152 of the 572 Lane Miles of Major Roads or 26%

(Includes 143 Lane Miles as part of UEP 6/7)

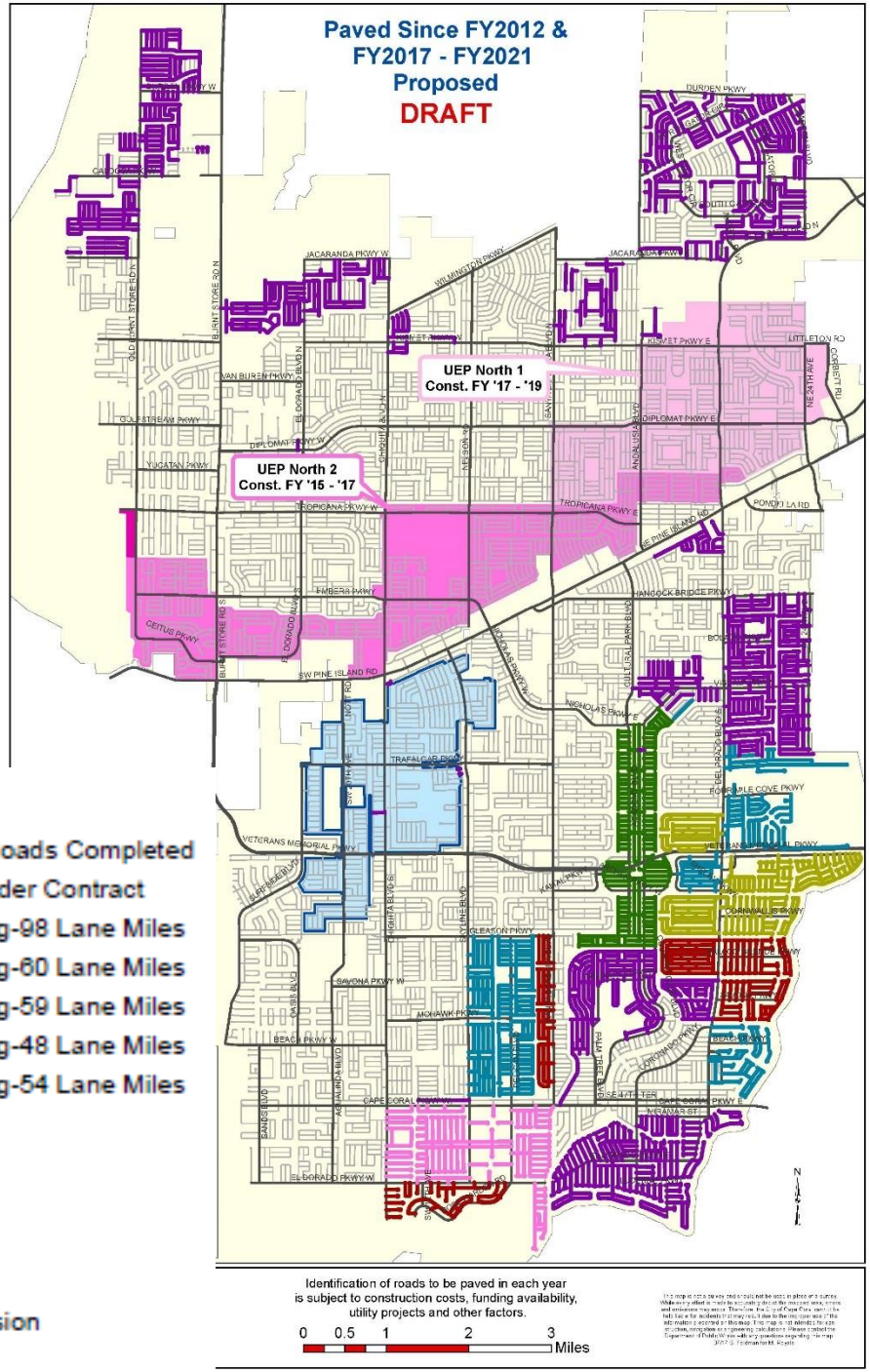
3,044 Total Lane Miles will take you from here to Seattle, WA

Major Roads: Life expectancy of **10-12 years** & are initially prioritized based on Overall Condition Index (OCI)

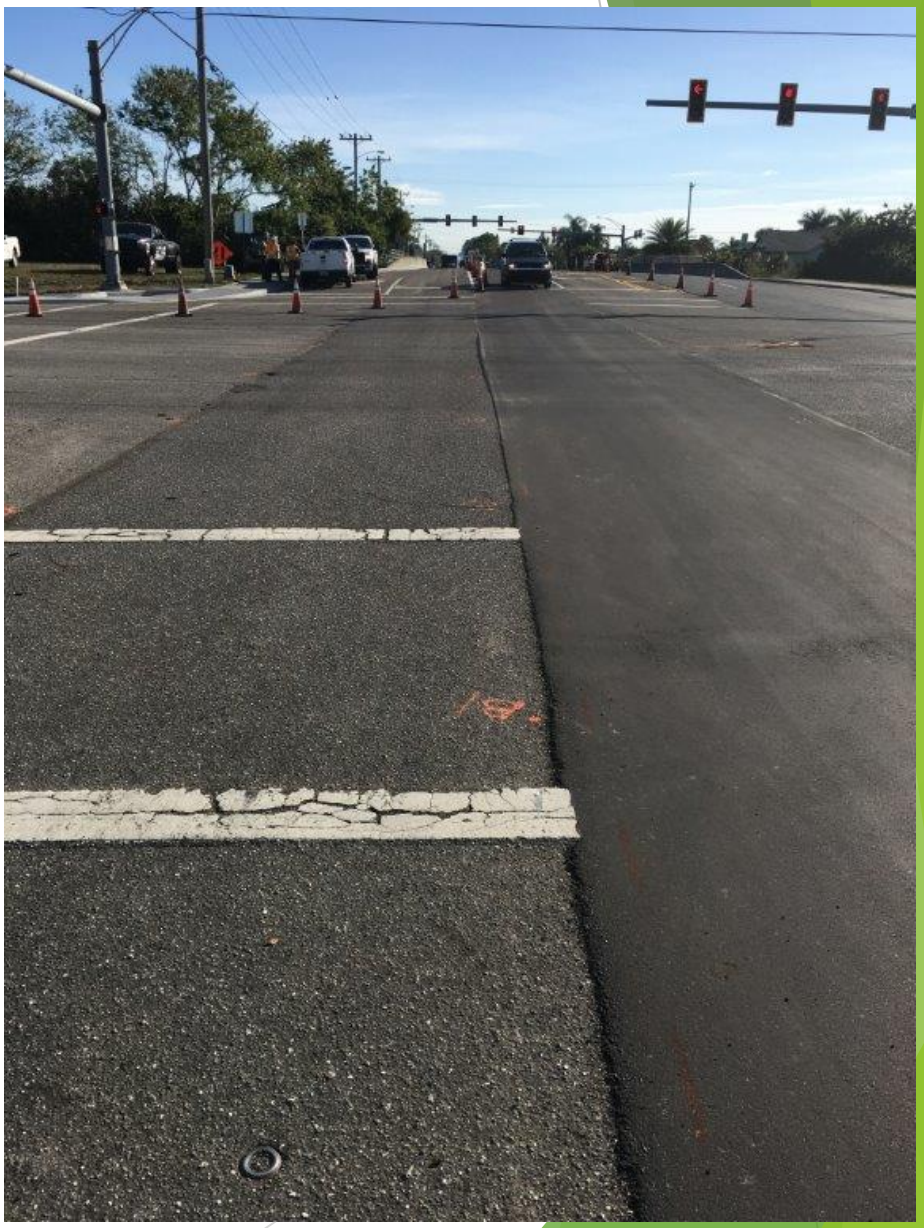
Local Roads: Life expectancy of **20-24 years** & are prioritized based on the Length of Time since last paved

All are reevaluated annually & subject to change based on condition, funding, & coordination with other city projects.

Locals


Paved Since FY2012 &
FY2017 - FY2021
Proposed
DRAFT
UEP North 1
Const. FY '17 - '19
UEP North 2
Const. FY '15 - '17
Legend
FY2012-FY2016 Local Roads Completed
FY2016 Local Roads Under Contract
FY2017 Proposed Paving-98 Lane Miles
FY2018 Proposed Paving-60 Lane Miles
FY2019 Proposed Paving-59 Lane Miles
FY2020 Proposed Paving-48 Lane Miles
FY2021 Proposed Paving-54 Lane Miles
Major Streets
Streets
UEP 6/7
UEP North 1 Limits
UEP North 2 Limits
Proposed North 2 Extension
City Boundary
Identification of roads to be paved in each year
is subject to construction costs, funding availability,
utility projects and other factors.
0 0.5 1 2 3
Miles

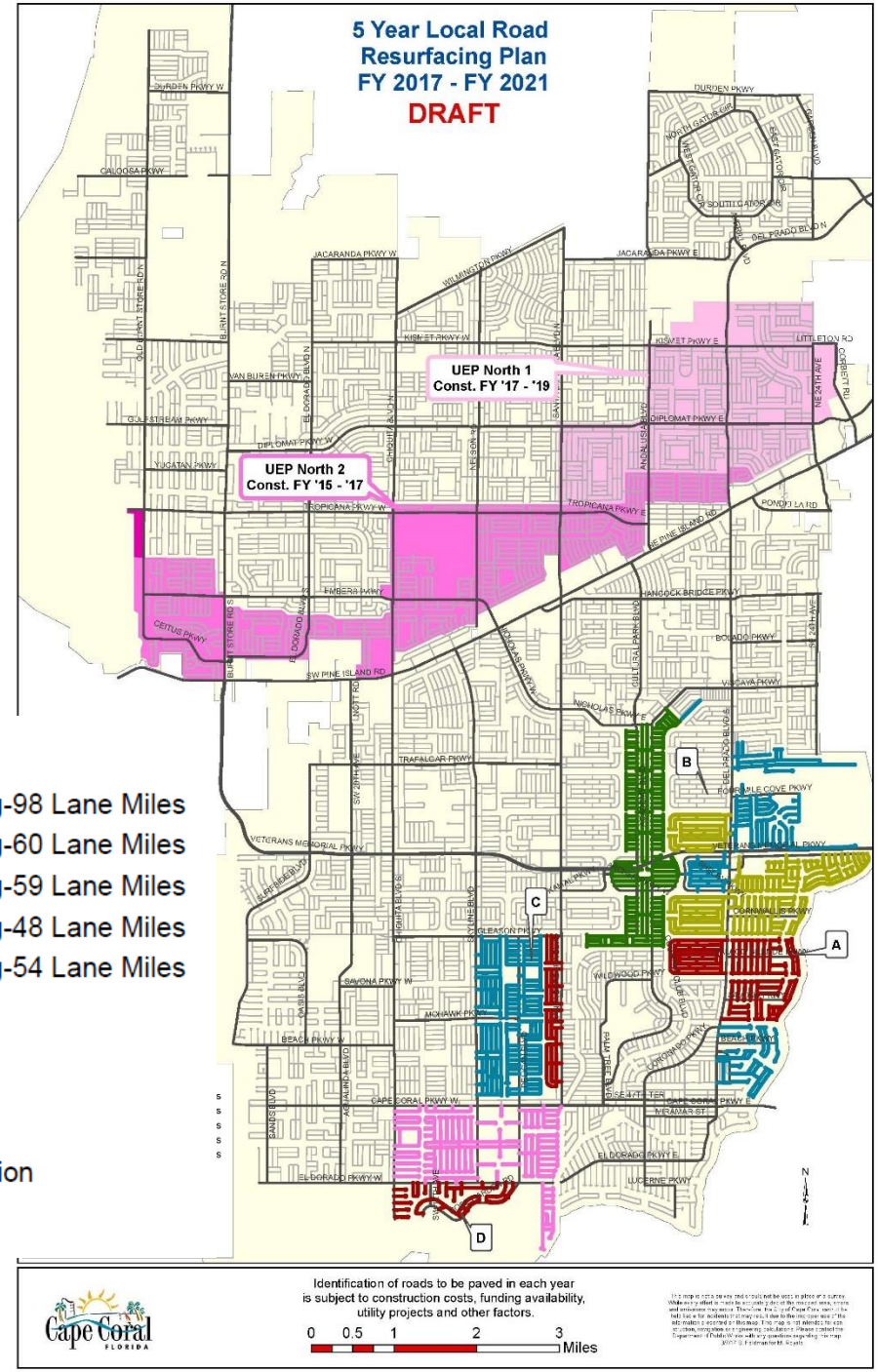
Before / In Progress



In Progress / Completed

Future Local Resurfacing

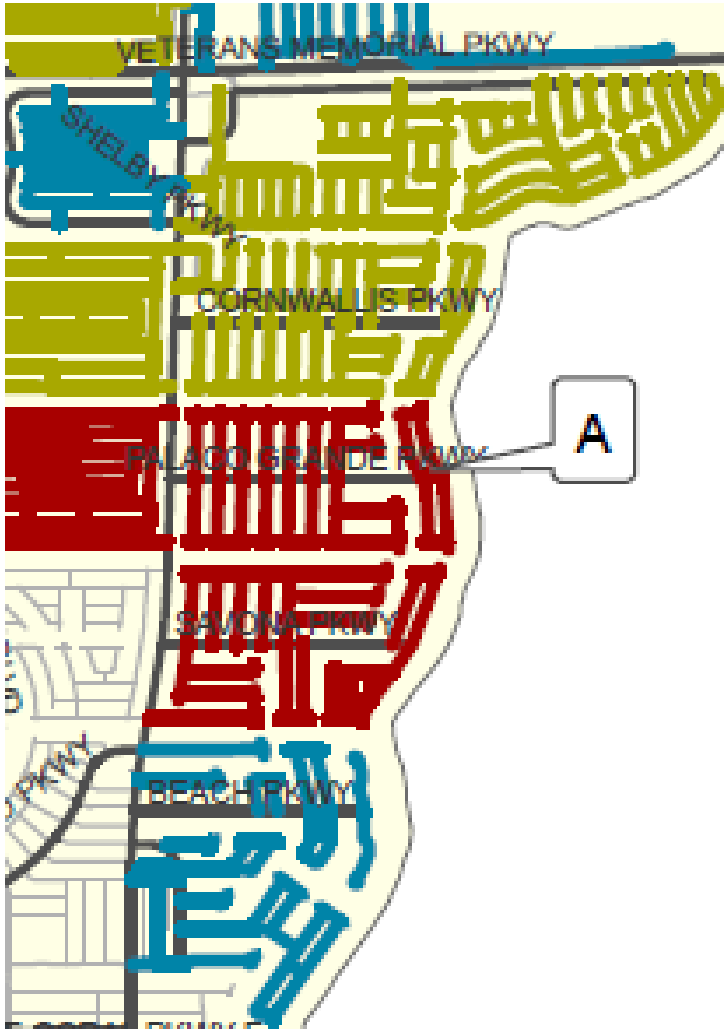
Future Local Resurfacing



Legend

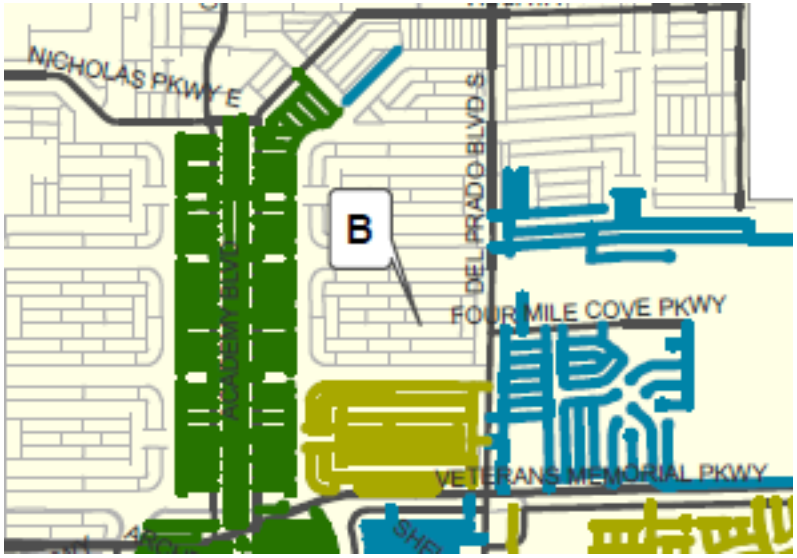
- FY2017 Proposed Paving-98 Lane Miles
- FY2018 Proposed Paving-60 Lane Miles
- FY2019 Proposed Paving-59 Lane Miles
- FY2020 Proposed Paving-48 Lane Miles
- FY2021 Proposed Paving-54 Lane Miles
- Major Streets
- Streets
- UEP North 1 Limits
- UEP North 2 Limits
- Proposed North 2 Extension
- City Boundary

Explanation of Changes



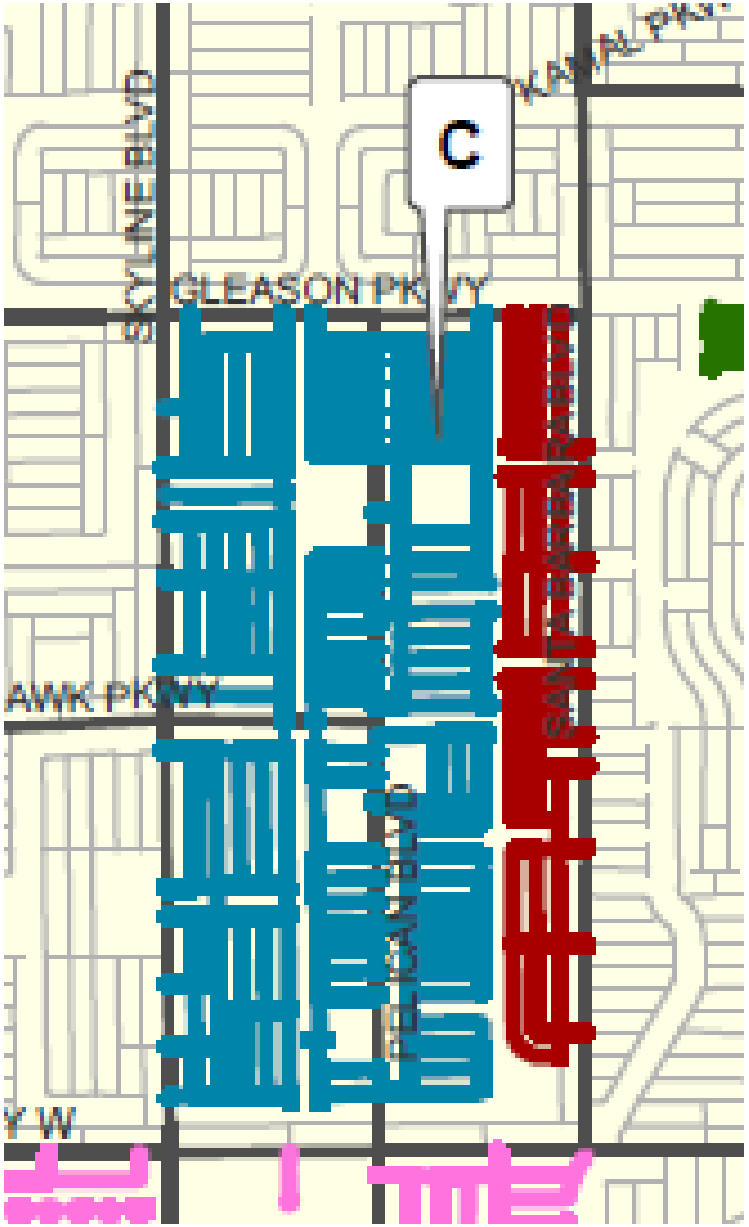
A. Roads off Palaco Grande Pkwy moved from 2019 to 2018 because the City's Utility Department expects to complete the Galvanized Pipe Replacement Project in 2018.

Explanation of Changes



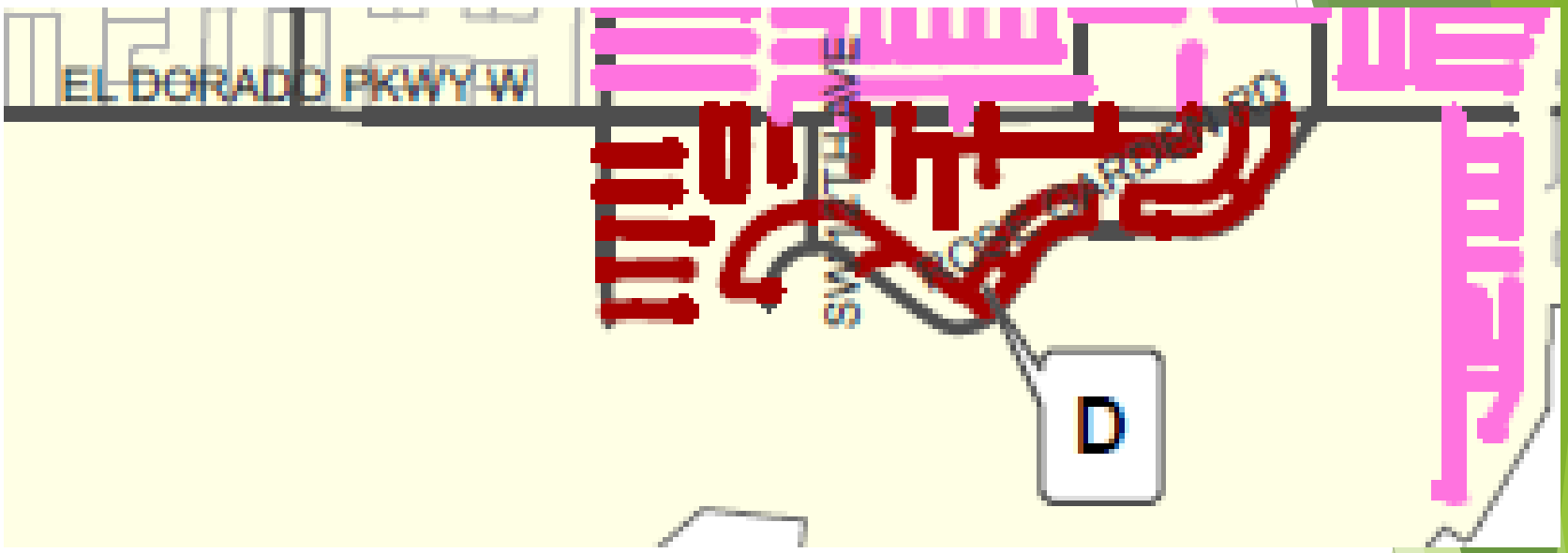
B. Roads on west side of Del Prado, from SE 17th St to SE 20th St reprioritized from FY 2020 to potentially 2022 because the City's Utility Department needs to replace all waterlines within this area.

Explanation of Changes



C. The roads between Pelican Blvd & Lotus Canal, and between Gleason Pkwy & SW 47th Ter moved from 2018 to 2017 to unify the age of all pavement within a certain area. The roads east of Lotus Canal must remain in 2018 to be paved after a Utility Department Project is complete.

Explanation of Changes



D. The roads south of El Dorado, between Rose Garden Rd & Chiquita Blvd added to 2018 to unify the age of all pavement within a certain area. Pelican Blvd & Rose Garden Rd are scheduled for paving in 2018, upon completion of the Convention Center.

Majors

Legend

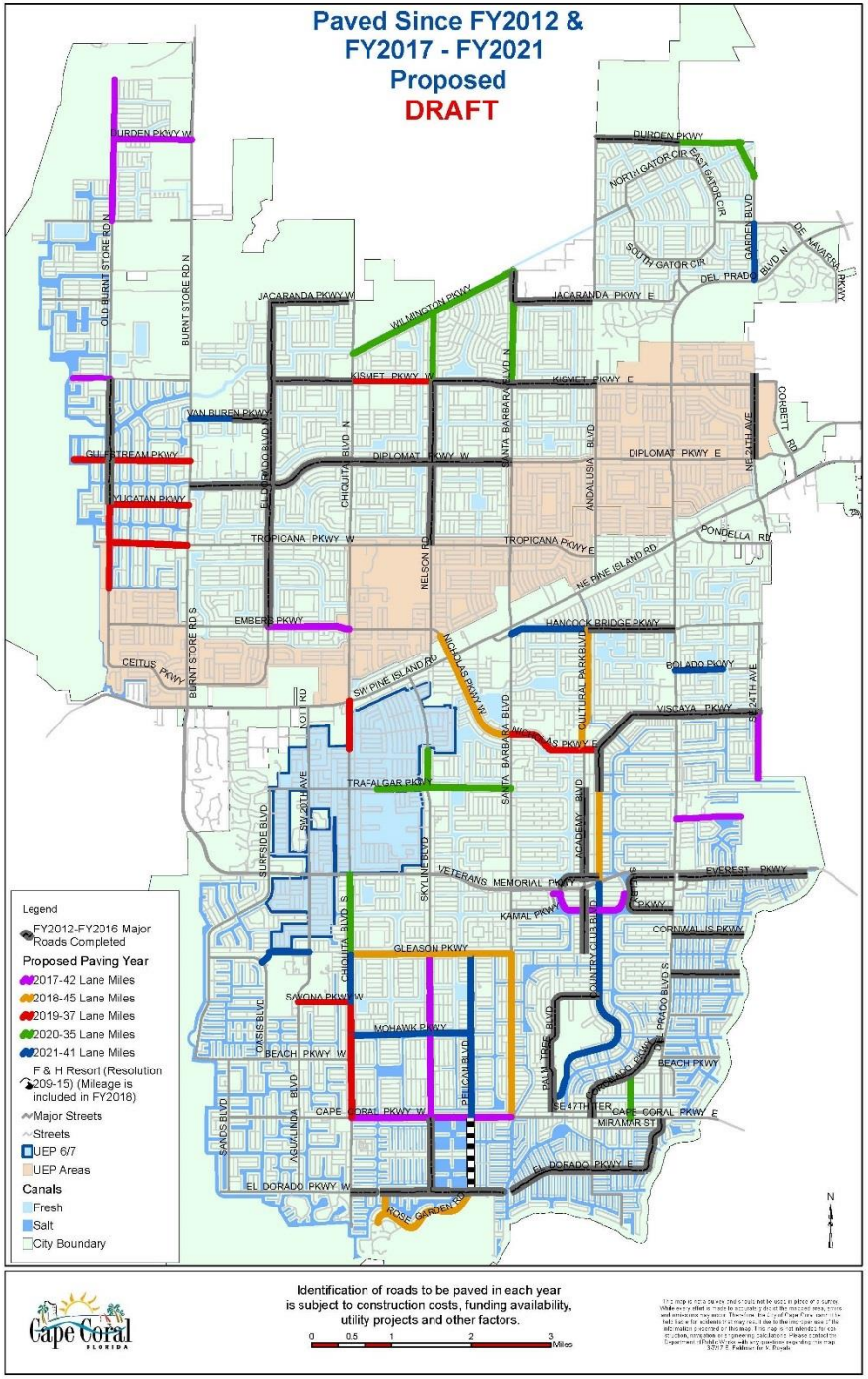
- FY2012-FY2016 Major Roads Completed

Proposed Paving Year

- 2017-42 Lane Miles
- 2018-45 Lane Miles
- 2019-37 Lane Miles
- 2020-35 Lane Miles
- 2021-41 Lane Miles
- F & H Resort (Resolution 209-15) (Mileage is included in FY2018)
- Major Streets
- Streets
- UEP 6/7
- UEP Areas

Canals

- Fresh
- Salt
- City Boundary



Completed Major Resurfacing

Future Major Resurfacing

Future Major Resurfacing

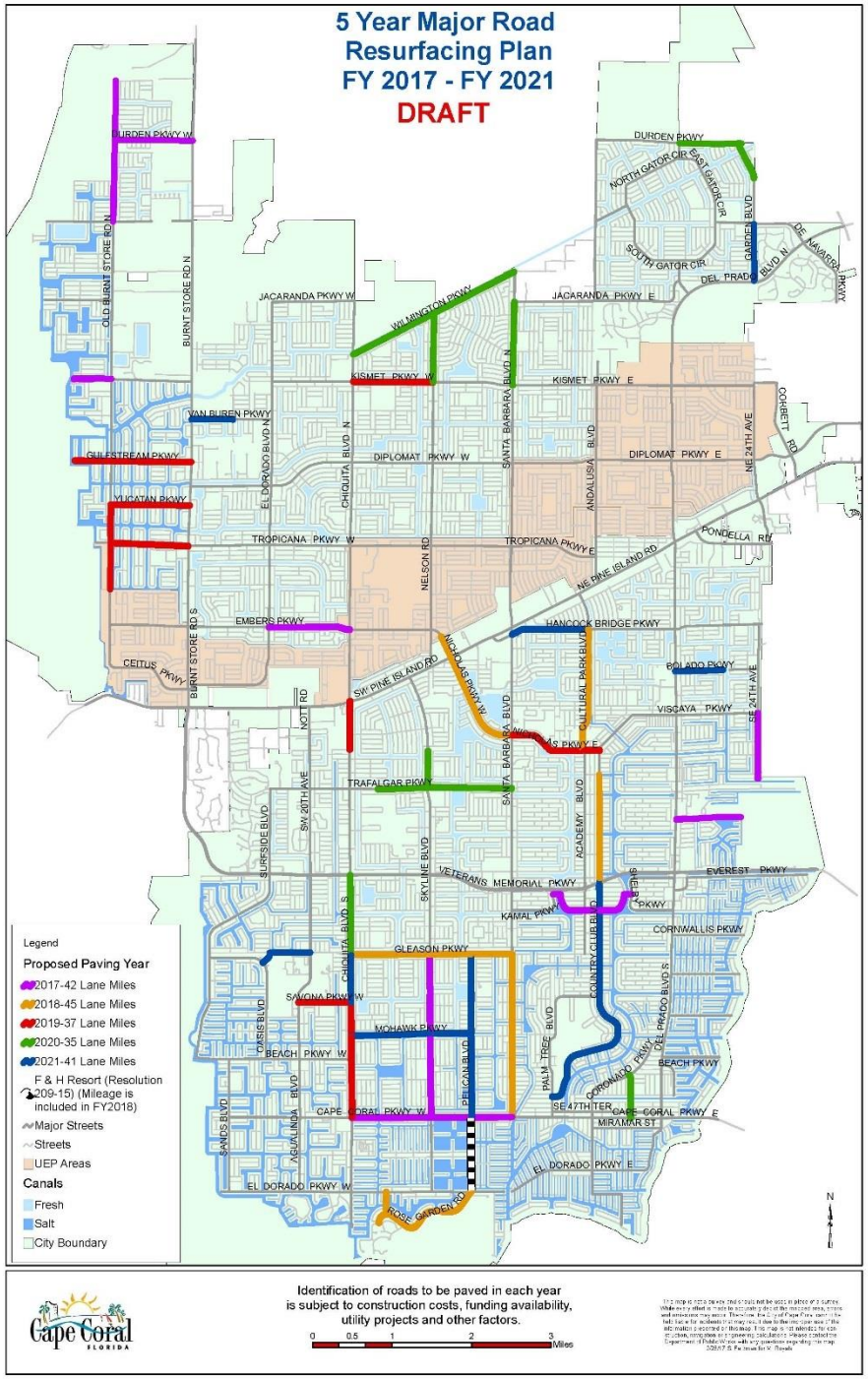
Legend

Proposed Paving Year

- 2017-42 Lane Miles
- 2018-45 Lane Miles
- 2019-37 Lane Miles
- 2020-35 Lane Miles
- 2021-41 Lane Miles
- F & H Resort (Resolution 209-15) (Mileage is included in FY2018)
- Major Streets
- Streets
- UEP Areas

Canals

- Fresh
- Salt
- City Boundary



Cape Coral FLORIDA

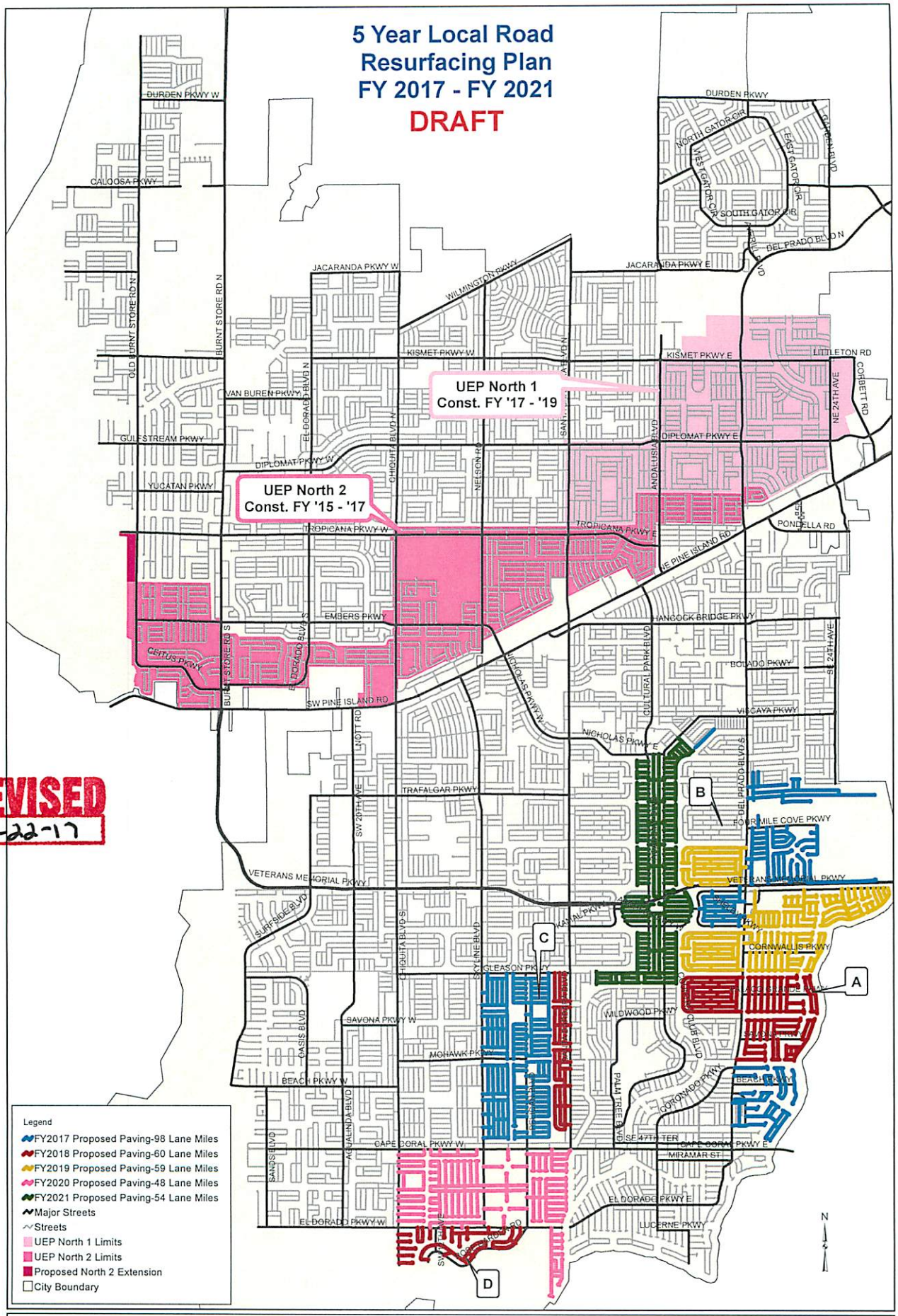
Identification of roads to be paved in each year is subject to construction costs, funding availability, utility projects and other factors.

0 0.5 1 2 3 Miles

Questions?

5 Year Local Road Resurfacing Plan FY 2017 - FY 2021

DRAFT



REVISED
5-22-17

Identification of roads to be paved in each year is subject to construction costs, funding availability, utility projects and other factors.

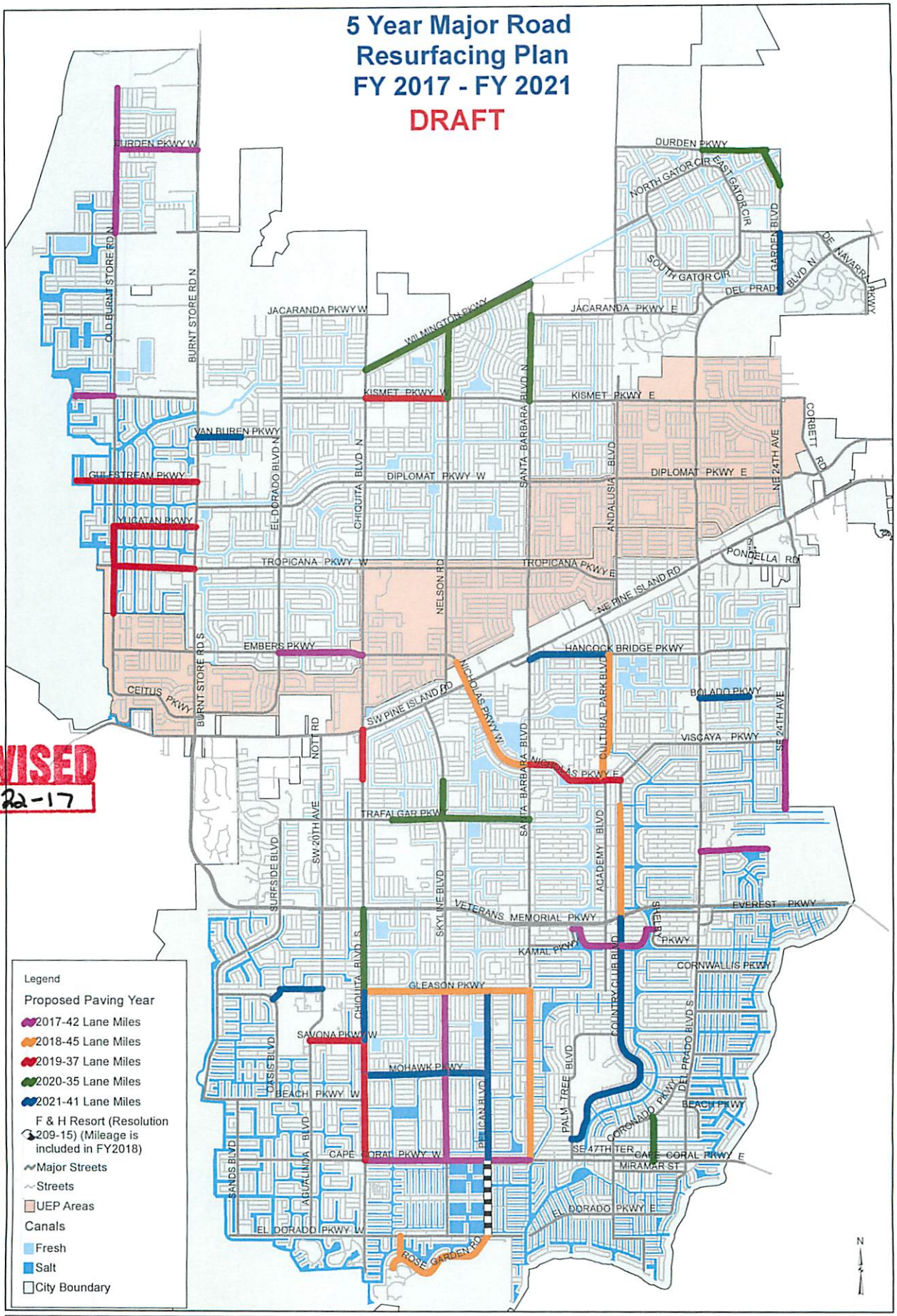
0 0.5 1 2 3 Miles

Cape Coral FLORIDA

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Public Works with any questions regarding this map.
3/7/17 S. Feldman for M. Royals

5 Year Major Road Resurfacing Plan FY 2017 - FY 2021

DRAFT



REVISED
5-22-17

Identification of roads to be paved in each year is subject to construction costs, funding availability, utility projects and other factors.

0 0.5 1 2 3 Miles

Cape Coral FLORIDA

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Public Works with any questions regarding this map.
2/23/17 S. Feldman for M. Royals

Item Number:	**B.(2)**
Meeting Date:	**5/22/2017**
Item Type:	**DISCUSSION**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Medical Marijuana

REQUESTED ACTION:
Staff Direction

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

Planning & Zoning/Staff Recommendations:
N/A

SUMMARY EXPLANATION AND BACKGROUND:
Discussion of Medical Marijuana Regulation

LEGAL REVIEW:
N/A

EXHIBITS:
1. Memorandum
2. Presentation

PREPARED BY:

Amy Yearsley	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:
Robert Pederson, AICP, Planning Manager (x3169)

ATTACHMENTS:

	Description	Type
	Memo_032017	Backup Material

Presentation

Backup Material

MEMORANDUM

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Mayor Sawicki and Council Members

FROM: John Szerlag, City Manager
David Newlan, Chief of Police
Vincent A. Cautero, Community Development Director
Robert H. Pederson, Planning Manager

DATE: March 29, 2017

SUBJECT: Medical Marijuana – Considerations for the City of Cape Coral

---

Background

On February 10, 2017, you received a memo which outlined options for the City in addressing the constitutional amendment regarding medical marijuana. The memo included a recommendation for the City to adopt a temporary moratorium for medical marijuana dispensaries.

The purpose of this memo is to frame a discussion of a possible moratorium for a future Committee of the Whole meeting.

Timing

The Florida Department of Health (DOH) must set regulations for the issuance of identification cards, qualifications, standards of caregivers, and registration requirements for medical marijuana treatment centers within six months of the effective date (August 3, 2017). The DOH then has 90 days (November 3, 2017) to issue identification cards. According to the DOH website, the State of Florida has until September before they are legally obligated to start registering new medical marijuana treatment centers (MMTCs) and distributing identification cards to caregivers and qualified patients. This State rule-making process means that no state licenses for medical marijuana will be processed or issued until the rule-making process is complete.

The State of Florida is currently working on the cultivating and processing aspects of medical marijuana, and is underway with rule making and developing licensing regulations. To date, regulation of dispensaries has been left up to the individual cities and counties. This means that local government can regulate the number and location of medical marijuana dispensaries.

Options for the City of Cape Coral

Take no action at this time

The City could take no action at this time. Essentially, this equates to waiting until the State rule-making process runs its course, and then making decisions on the policy direction the City wishes to take with respect to this industry.

Implement a moratorium

The City could adopt an ordinance enacting a temporary moratorium on medical marijuana dispensaries. A moratorium essentially pushes the pause button while the City assesses the outcome of the State rule-making process. A moratorium would also allow the City to develop land use or other regulations for the medical marijuana industry. Such regulations could be brought forward as a separate code amendment or be included in the ongoing rewrite of the Land Use and Development Code.

Recommendation in the January 24 memorandum

City management continues to recommend the City Council implement a temporary moratorium for six months, to December of 2017. This will give sufficient time to research, study, and analyze potential impacts upon adjacent uses and surrounding areas, property values, public safety, and public welfare.

Given the de facto moratorium that exists while the State rule-making process plays out, there is ample time to evaluate this issue and determine if Council wishes to adopt a moratorium.

COW discussion

We have scheduled discussion of a possible moratorium for the May Committee of the Whole Meeting. A preliminary list of points to be addressed at the COW meeting includes:

- Does the City wish to implement a moratorium?
- If so, for what period of time?
- Timing: When should a moratorium take effect in relationship to the state rule making process?

DN/VC/RP

C: Dolores Menendez, City Attorney
Mike Ilczyszyn, Assistant City Manager
Connie Barron, Public Affairs Manager

CAPE CORAL POLICE DEPARTMENT AND
DEPARTMENT OF COMMUNITY DEVELOPMENT

COMMITTEE OF THE WHOLE PRESENTATION

MEDICAL MARIJUANA IN CAPE CORAL

BACKGROUND

AMENDMENT 2

AMENDMENT 2

- Approved by voters & effective on January 3, 2017.
- Department of Health charged with rule-making to implement .
- Deadline is August 3, 2017.
- Legislative session ended – no action on several bills related to medical marijuana.

AMENDMENT 2

- Some uncertainty at this date – special session?
- Staff memo discussed options for the City.
- Administration previously recommended implementation of a six-month moratorium.

WHY IMPLEMENT A MORATORIUM?

WHY IMPLEMENT A MORATORIUM?

- Regulation of cultivation and processing left to the state.
- Continuing uncertainty as to outcome of state rule-making process.
- Amendment 2 leaves the regulation of the number and location of dispensaries to local government .

WHY IMPLEMENT A MORATORIUM?

- Outcome of state rule-making may impact how the City chooses to address this issue.
- Adoption of a moratorium will give the City time to assess the state rules and tailor our local land use ordinances accordingly.

DCD CONCERNS

ZONING AND REGULATION

ZONING AND REGULATION

- Allowable number of dispensaries in Cape Coral.
- Allowable locations:
  - Which zoning district(s)
  - Permitted by right, Special Regulations, Special Exception, etc?
- Specific standards for this use – separation, etc.

POLICE DEPARTMENT CONCERNS

COMMUNITY IMPACT

COMMUNITY IMPACT

- Sale, use, manufacture, and distribution of **legal** marijuana in:
  - Public Places.
  - Near Schools.
  - Parks.
  - Childcare facilities.
  - Public Transit.

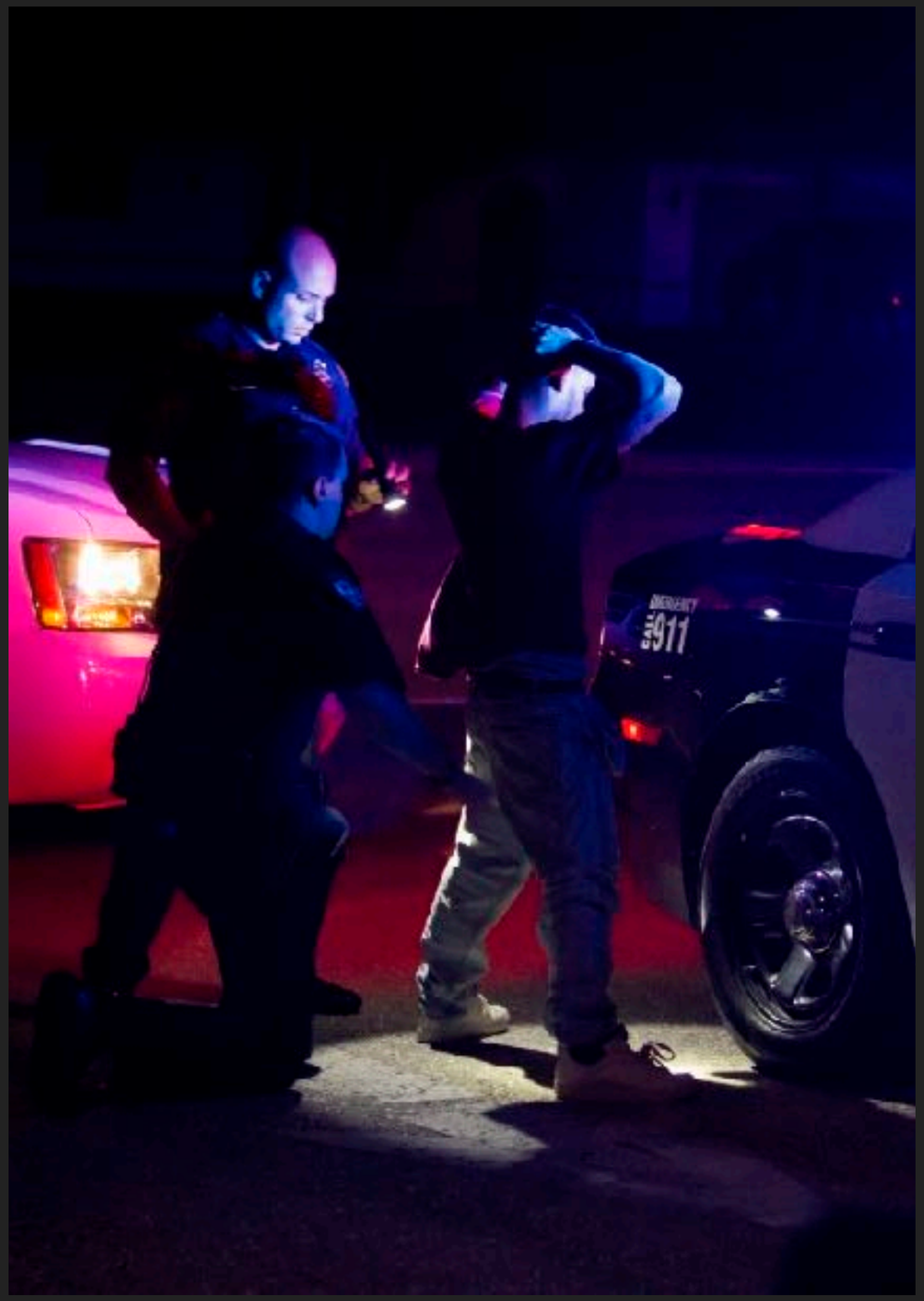
COMMUNITY IMPACT

- Loitering.
- Traffic.
  - Pedestrian Traffic.
  - Vehicle stacking.
- Adverse impact on quality of life.
  - Effect on neighboring businesses.
  - Attracts crime.
  - Increases calls for service.

PUBLIC SAFETY CONCERNS

PUBLIC SAFETY CONCERNS

- Safety and security measures for marijuana dispensaries.
- Prevention of adverse public health consequences and crime.
- Traffic.
- HAZMAT responses.
- Increase in related crimes.



DISCUSSION

MORATORIUM DETAILS

MORATORIUM DETAILS

- Does the City Council wish to adopt a moratorium?
- If so, for what period of time (e.g., 6 months)?
- Timing. When should a moratorium take effect?

DISCUSSION

Item Number:	**B.(3)**
Meeting Date:	**5/22/2017**
Item Type:	**DISCUSSION**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Tiny Houses

REQUESTED ACTION:
Staff Direction

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

Planning & Zoning/Staff Recommendations:
N/A

SUMMARY EXPLANATION AND BACKGROUND:
Informational presentation regarding tiny houses.

LEGAL REVIEW:
N/A

EXHIBITS:
1. Memorandum
2. Presentation

PREPARED BY:

Amy Yearsley	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:
Robert Pederson, AICP, Planning Manager) (x3169)

ATTACHMENTS:

	Description	Type
	Memorandum	Backup Material

Presentation

Backup Material

MEMORANDUM

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Mayor Sawicki & Council Members

FROM: John Szerlag, City Manager
Vincent A. Cautero, Community Development Director VAC
Robert H. Pederson, Planning Manager RHP

DATE: December 5, 2016

SUBJECT: Tiny Houses – Zoning and Building Code Implications

This memorandum, with accompanying background information, is presented to you based upon an inquiry received from Councilmember Erbrick.

Background

In recent years there has been growing interest in smaller house sizes in jurisdictions throughout the country. Several television shows have helped fuel interest in "tiny houses" as an alternative form of housing.

In practice, however, local zoning and building code requirements often restrict or prohibit these forms of housing. The current City of Cape Coral requirements related to house sizes are discussed below.

Current Zoning Code Restrictions

The Land Use and Development Regulations establish minimum sizes for housing in the R-1A, R-1B, R-3, RD, RX, C-1, P-1, Vill, Corr, and MR zoning districts. For example, the requirements for R-1A and R-1B are as follows:

TABLE R-1 DIMENSIONAL REGULATIONS (R- 1A and R-1B Districts)		
District	***R-1A***	***R- 1B***
Minimum living area (b)		
Waterfront	1,800 s.f.	1,800 s.f. (d)
Non-waterfront	1,700 s.f.	1,100 s.f. (e)

(b) The ground floor area of a dwelling, exclusive of garages, storage areas, breezeways, enclosed porches or terraces shall have a minimum of 650 square feet of living area. Exceptions may be made where the Federal Emergency Management Agency requires higher elevations. (See Article VI, § 6.5.2E.)
(d) A minimum of 1,800 square feet is required when adjacent to a river as defined by the U.S. Army Corps of Engineers. Minimum living area may be reduced to 1,400 square feet only when adjacent to a canal or lake.
(e) A minimum of 1,400 square feet of living area is required on lots adjacent to a golf course or across from riverfront or saltwater front lots.

Garages Required

In addition to a minimum living area, LUDR Article 3.1.2.A.1 requires all single-family structures to have at least one garage and duplexes to have one separate garage for each unit. The minimum size is 14' by 20' (280 sq. ft.).

Why are Minimum Living Areas Required?

The primary reasons for regulating minimum housing size are typically to preserve property values and the character and appearance of neighborhoods. A very small house or one that is substantially smaller than surrounding homes is perceived by neighbors as a negative influence on nearby property values. This concern is magnified if several smaller houses are built in close proximity to each other.

Why are Smaller Homes Popular Today?

Smaller homes are less costly to build and maintain. Smaller homes are popular with empty nesters, retirees downsizing, younger and first time home buyers, and those who wish to have a smaller carbon footprint. Mortgage, taxes, and insurance payments should also be less when compared to larger size homes. This form of housing is also touted as an option to address a community need for affordable or workforce housing.

Many communities have embraced the smaller home movement and revised their traditional zoning requirements to permit smaller houses, provided all building code requirements (life and safety) are met. Some communities have also considered new zoning districts to allow smaller minimum lot sizes for smaller homes. The intent is reduce the land cost – in addition to the cost of construction – to facilitate housing options that are more affordable.

Current Building Code Requirements

While "Tiny Homes" are becoming more popular it is important to remember most of these tiny homes portrayed on T.V. are on trailers and do not come under the authority of any unified building code. Most of these structures are not built to the federal standards for manufactured (mobile) homes. As a result, purchasers of "tiny houses" often find that they now own a structure that does not meet any recognized or adopted building code.

Houses built under the building code have to meet certain criteria, but there is no minimum house size in this code. The following items will need to be considered when exploring this type of structure as a market segment for Cape Coral:

- The minimum garage size is 14' x 20' clear floor area = 280 sq. ft. (LUDR requirement).
- Every dwelling unit must have at least one habitable room that is not less than 120 sq. ft. of gross floor area (Florida Building Code, Residential (FBCR) Sec. R304.1).
- All other habitable rooms shall have a floor area of not less than 70 sq. ft. (FBCR Sec. R304.2).
- Habitable rooms shall not be less than 7 ft. in any horizontal dimension. There is an exception for kitchens (FBCR R304.3).
- Minimum height: Habitable spaces, hallways, bathrooms, toilet rooms, laundry rooms, and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet (FBCR Sec. R305.1).
- Requirements for natural & mechanical ventilation.
- All bedrooms (sleeping rooms) and habitable attics shall have at least one operable emergency escape and rescue opening with a maximum sill height of 44 inches (FBCR Sec. R310.1). Most tiny house design with sleeping lofts do not meet this requirement.
- All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 sq. ft. with a minimum net opening height of 24". The minimum clear net opening width shall be 20" (FBCR Sec. R310.1.1).

- All second floor habitable spaces requiring stairways shall comply with FBCR Sections R311.7.1, R311.7.2, R311.7.3, R311.7.5.1, & R311.7.5.2. This means that ladders to sleeping lofts (a common tiny house design element) do not meet building code requirements.

- Bathrooms require specific clearance for fixtures which, in turn, results in a minimum size (square feet), depending upon design. The main bathroom must provide accessibility per FBCR Sec. R320.1.1.

Depending on the design, the above requirements add up to a minimum square footage of ± 610 sq. ft. While the items mentioned above do not account for all minimum design and other mechanical requirements, it appears that an overall minimum house size of 750 to 850 sq. ft. could meet all code requirements without any design difficulty.

Possible Options to Accommodate "Tiny Houses"

1. Develop additional guidance and educational materials (e.g., City website, handouts, etc.) to inform the public of the regulatory requirements that apply to "tiny houses."

2. Amend the LUDR requirements for a minimum house size.

3. Amend the LUDR requirement for an attached garage.

4. Consider a new zoning district with smaller minimum lot sizes for "tiny houses."

5. Lobby for changes to the Florida Building Code to make it easier for "tiny houses" to comply with building code requirements.

Pros and Cons:

Pros:

- Tiny houses are growing in popularity and may be an alternative way to provide for more affordable housing.

- If located on smaller lots, there may be more efficient use of available infrastructure.

Cons:

- Tiny houses often do not comply with any recognized building code, thereby raising life safety concerns for occupants of these structures.

- Tiny houses are perceived as having a negative effect on surrounding property values and neighborhood character.

- Although the overall cost of a tiny house is less than a typical house design, the cost per square foot is often much higher.

- Tiny houses have little available room for mechanical systems and personal storage.

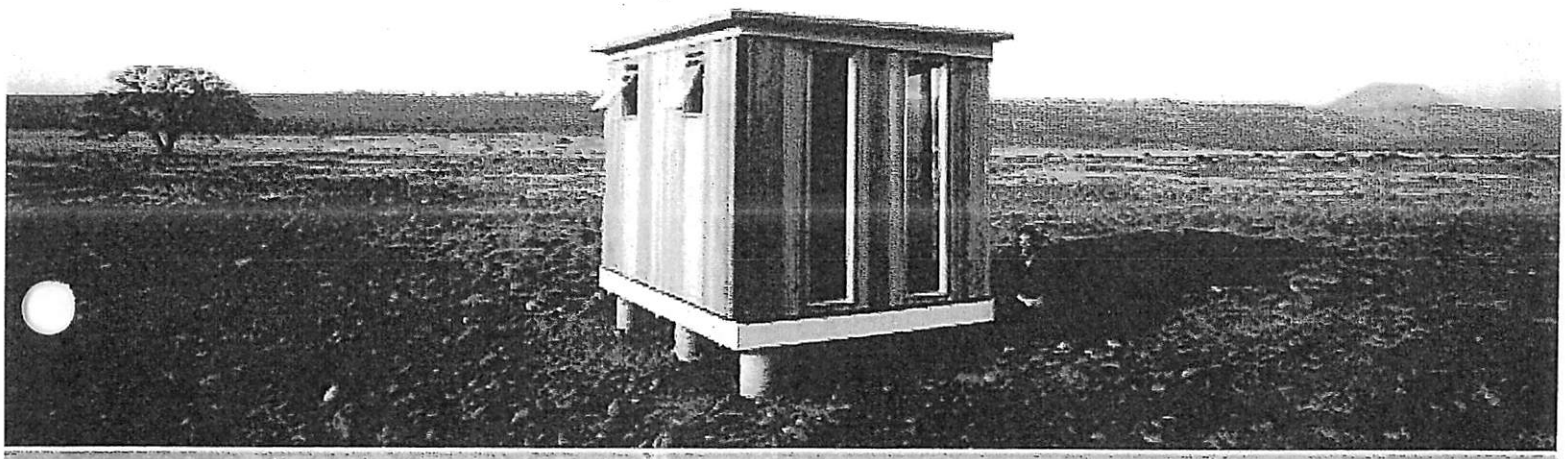
We are available to discuss this issue further at your convenience.

VAC/RP:ap(Memo_TinyHouses_12052016)
Attachment (Tiny Housing: A Comprehensive Overview)

C: Dolores Menendez, City Attorney
Brian R. Bartos, Assistant City Attorney
Kelley Fernandez, Business Manager

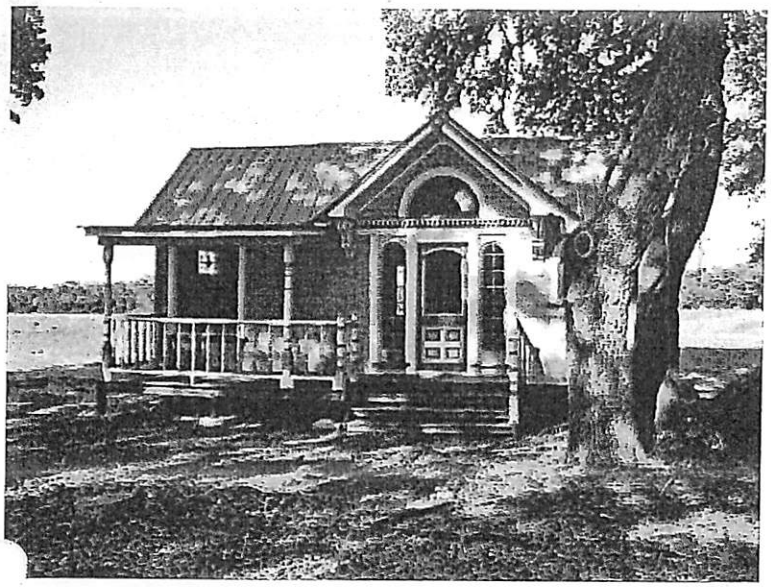
Tiny Housing

A Comprehensive Overview



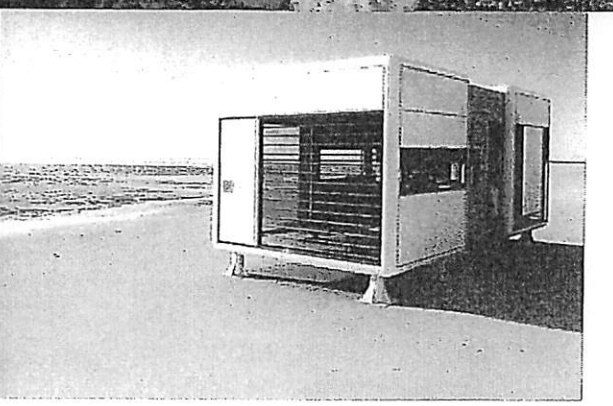
BROAD AND CASSEL
ATTORNEYS AT LAW

What are tiny houses and what do they look like?

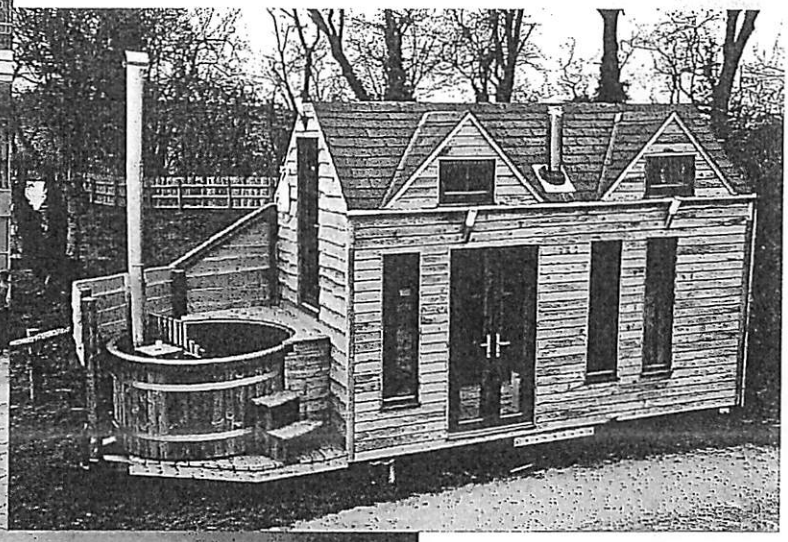


- The Tiny House Movement is a social movement to downsize the space people live in.
- While the typical American home is ~2100 square feet, the typical small or tiny house is 100 – 400 square feet.
- **Statistics:**
  - 68% of tiny house tenants have no mortgage, compared to 29.3% of all U.S. homeowners
  - 78% of tiny house tenants own their home, compared to 65% of homeowners with traditional houses.
  - **Cost:** The average cost to build a tiny house: $23,000 (if built by the owner). The average cost of a standard-sized house is ~$272,000, combined with $209,704 interest on a 4.25% 30-year loan: $481,704.
  - **Age:** Approximately 2 out of 5 tiny home owners are over 50 years of age.
  - **Education:** Tiny house tenants are twice as likely to have a masters degree, while they are on par with the average college graduation rates.
  - **Per Capital income of tiny house tenants:** $42,038 – earning $478 more annually than the average American.
- Source: http://thetinylife.com/what-is-the-tiny-house-movement/

BROAD AND CASSEL
ATTORNEYS AT LAW



BROAD AND CASSEL
ATTORNEYS AT LAW



BROAD AND CASSEL
ATTORNEYS AT LAW

Tiny House Movement

BROAD AND CASSEL
ATTORNEYS AT LAW

Appeal and Challenges

1. The tiny house movement appeals to homeowners who:
    1. Want affordable homeownership/rental housing
    2. Want to reduce their carbon footprint
    3. Embrace a minimalist lifestyle
    4. Are looking for a true alternative to traditional housing for the homeless and special needs populations, veterans, retirees
2. Social Challenges:
    1. Economic Impact on traditional homes if tiny home communities are moved near residential communities
    2. The concentration of hundreds of tiny homes, especially if occupied by the homeless, may give rise to American *Favelas* (impoverished areas)
3. Legal Challenges:
    1. Land use and zoning ordinances
    2. Minimum square footage ordinances – building codes
    3. Issues associated with mobile home parks and RV parks
    4. Fire safety codes
    5. Insurance

Legal Challenges

BROAD AND CASSEL
ATTORNEYS AT LAW

Zoning, Codes, and other Legal Issues

- **Two types of Tiny Homes:**
  - Tiny house on wheels (**THOW**) (legally considered an RV)
  - Tiny house on a foundation (legally considered an accessory dwelling unit (ADU)
  - **Some jurisdictions are coining new terms** (e.g. In Madison, Wisconsin, "**portable shelter**" is defined as "any movable living quarters less than 150 square feet in area that is a permanent place for habitation; "**Portable Shelter Community**" is defined as "any site, lot, parcel, or tract of land designed, maintained, or intended or used for the purpose of supplying a location or accommodations for more than three shelters and shall include all buildings included or intended for use as part of the Portable Shelter Community.
- **Typically, tiny home owners have four options to live:**
  1. Own, purchased land – most difficult to accomplish due to zoning regulations
  2. Backyard – either as camping (**THOW**) or an **ADU**
  3. RV Parks – tiny homes on wheels are gaining acceptance in RV parks
  4. Tiny house Community or ecovillage – tiny homes on foundations
- **Lawrence County, Arkansas Zoning Fears:** "I'm not against tiny houses. I'm against having them in a residential area next to large or average-size houses" – Alderman Joe Walter
  - Lawrence County now issues **conditional use permits**, which do not apply to manufactured or mobile homes, but would prevent living structures from being built on site or on a utility-trailer without a conditional use permit. (*See* http://www.thetd.com/freepages/2015-05-20/news/story1.php)

Tiny House on Wheels (THOW)

- If a tiny house has wheels, it is legally an RV and will need to be registered as an RV with the Department of Motor Vehicles.
  - Self-built RV will need to be inspected before the DMV will issue a license plate.
  - If the tiny house is purchased from a builder, then the builder will generally provide a Vehicle Identification Number and a title so that the tiny house may be registered. DMV will still likely inspect the home.
    - If the builder is a member of the Recreational Vehicle Industry Association (RVIA), then the tiny house should have a RVIA decal, making it easier to be accepted by RV parks and obtain RV insurance.
- **ZONING** In order to live legally on your own land, zoning regulations must allow for year round camping. Most towns restrict camping on one's own land to 30 days while some towns prohibit it altogether.

- Source: http://tinyhousecommunity.com/faq.htm#wheretolive

BROAD AND CASSEL
ATTORNEYS AT LAW

THOW Park Model RV Standard Requirements and other requirements: Florida

1. State and Citation: Florida F.S.A. § 320.8231 (1) Establishment of uniform standards for recreational vehicle-type units and park trailers; F.S.A. § 320.822 (1)(b) and (18)(b)

- Required Standard: ANSI A119.5
- Terms used for Park Model RVs: Park Trailer
- Provision for 3rd Party Inspection: No
- Required Seal: No
- Law or Regulation: Law
- Notes: Park Model RVs less than 400 sq. ft. must be built to ANSI A119.5. Park Model RVs greater than 400 sq. ft. must be built to HUD standards. Park Model RVs built to HUD standards may not exceed 500 sq. ft.

2. Maximum dimensions: Total length: 65 feet (excludes safety devices approved by the state); trailer length: 40 feet (excludes safety devices approved by the state); width: 102 inches (excludes mirrors and safety devices); height: 13 feet 6 inches.
(*See* http://drivinglaws.aaa.com/laws/trailer-dimensions/)

BROAD AND CASSEL
ATTORNEYS AT LAW

Additional guidelines for building a THOW

- **Plumbing** must be vented through either the roof or a side wall (just below the roof line with an RV wall vent cap), in accordance with NFPA 1192, Chapter 7.6. However, unvented sinks are acceptable with HepVo traps.
- **Electric heating systems** must be approved (UL listed) and installed in accordance with the manufacturers instructions and local codes.
- **Wood stoves**: Wood stoves must be EPA approved and use EPA approved piping. A CO (carbon monoxide) detector is required in the general living area and each bedroom.
- **Fire safety**: THOWs must be built to NFPA 1192 Chapter 6 standards that specify fire safety requirements, including egress (doors and windows that enable you to get out of the THOW in case of fire).
- **Composting and incinerating toilets are acceptable**, and when present, must be installed according to the manufacturer's specifications.
- **Be built for earthquake Zone 4 and able to withstand winds of 130 mph**, as specified in the ASCE/SEI 7 Minimum Design Loads For Buildings and Other Structures.
- **See the entire list of guidelines**
  (*available at* http://tinyhousecommunity.com/guidelines.htm#unique)

THOW vs. RV vs. Manufactured Homes

- **RV:** recreational vehicle intended for non-permanent living.
- **Park Model RV (PMRV):** also known as "park model mobile home," a park model is a type of RV and is intended for permanent living. According to the RVIA, "Park model RVs are actually titled and registered just like any other RV. Due to their design, small size and use as recreation, vacation and seasonal units, PMRVs are explicitly excluded from being considered or used as a manufactured home under the codes and regulations of the U.S. Department of Housing and Urban Development (HUD) specifically because they are a type of recreation vehicle (Title 24 § 3282.8(g))."
- **Manufactured Home** (formerly known as a mobile home): Manufactured homes are built in a factory and are greater than 320 square feet. Furthermore, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code). National manufactured home standards specify that manufactured homes must be at least 8 by 40 feet for a footprint of at least 320 square feet.

- Source: http://tinyhousecommunity.com/guidelines.htm#unique

Tiny House on a foundation

- In order to be a legal residence, a structure must be built in accordance with local building codes and a building permit is usually required.
  - Most States have codes modeled after the International Residential Code (IRC) for One- and Two- Family Dwellings. The 2015 IRC has eliminated the requirement for a house to have at least one room of 120 square feet or more. States will ultimately need to adopt the new code in order for it to be effective. But, the IRC still requires rooms (except for bathrooms and kitchens) to be 70 square feet and ceiling height to be 7 feet.
- In most towns, a building permit is not required for a structure of 120 square feet or less. But because these small structures are considered sheds or workshops, full-time living in a tiny building is generally not allowed.
  - If the home does not require a building permit, then it will likely be considered an "auxiliary building". An auxiliary building is usually not permitted unless there is already a legal residence on the property. While it may be possible to get a variance for a shed or other outbuilding, it will not be considered a residence precluding a street address for the building.
- Alternative Solutions:
  - Asking for an individual exception from the regulations
  - Working toward an exception for an entire neighborhood (e.g. overlay district)

- Source: http://tinyhousecommunity.com/faq.htm#wheretolive

BROAD AND CASSEL
ATTORNEYS AT LAW

Unanswered Questions

- Land use / zoning
- Building codes
- Fire safety codes
- Insurance
- Utilities
- Impact fees
- Parking
- Hurricane shelters, community facilities with bathrooms, kitchen, laundry

Zoning

- Regulations have failed to keep pace.
- Accessory Dwelling Units
  - Pros – Income source, reduces urban sprawl, allows infill, increased sense of security, singles can stay in better neighborhoods
  - Cons – Transforms neighborhoods, more traffic, parking difficulties, impacts to schools, more pressure to police / fire, parks, water, wastewater

Other Considerations for Accessory Dwelling Units

- Maximum percentage lot coverage
- Many cities address parking concerns by allowing these near public transportation
- Hard to get loans / appraisals / foreclosures / clear title

California, Vermont, Washington State

- Santa Cruz – Requires a minimum lot 5000 sq. feet, owner has to live in main house or ADU in designated residential zones. If made available to low income household then development fees are waived.

- Cape Cod – Encourage ADU's as long as adequate septic capacity exists. Also, if commits to affordable rate, get tax relief.

- Washington State – Cities over 20,000 have to encourage ADU development in single family zones.

Performance and Siting Standards

Article 3.6 Residential Use Siting Standards

RESIDENTIAL USES

Items listed in the Residential Use Category of the Use Tables that are permitted but may be subject to the following siting standards within the zoning districts.

A. Accessory living unit / Guest home / Temporary residence

Accessory living units which are rented out are only permitted in a Village Infill Development or PD zoning districts as an accessory structure otherwise accessory living units / guest homes or temporary residences are permitted as indicated in the Use Table subject to the following:

1. Accessory living unit or Guest Home
    a. All applications for guest homes or accessory living units shall provide architectural drawings of both the existing single family home as well as the proposed structure. In addition, all development plans shall provide a property survey performed by a Florida registered land surveyor. The survey must show lot area and location of all existing and proposed structures.
    b. All such dwelling units shall be on a conforming lot, with a minimum lot area as prescribed in these regulations or agreed to under a VID or PD zoning application and shall meet all other applicable building setback requirements unless otherwise exempted by this Code.
    c. Minimum building size 450 square feet, if detached from the principal structure; Maximum building size shall not exceed 60% of the total conditioned floor area of the existing single family home unless variance is approved by the Board of Adjustment.
    d. Accessory living unit, guest homes or temporary residence shall be architecturally compatible with the primary residential structure.
    e. Accessory living units may be either attached to the primary residential structure or detached from the primary residential structure.

Performance and Siting Standards

2. Temporary Residence
   a. Deviations from the siting standards for a temporary residence, including the use of a recreational vehicle as such, must be approved as a variance by the Board of Adjustment. Manufactured homes and mobile homes are approved as a temporary residence and shall comply with the following standards. Shall be located a minimum of fifteen (15) feet from the principal dwelling.
   b. Manufactured homes shall be skirted.
   c. The setback requirements of the zoning district shall be met.
   d. A building permit must be issues for the set-up of the temporary residence.
   e. For a temporary residence while constructing a Principal Single Family Residence or while repairing a Principal Single Family Residence damaged by fire, flood, hurricane or other catastrophes to the extent the Principal Single Family Residence is no longer able to be occupied the following standards shall apply:
      i. Requires the issuance of a building permit for the principal single family dwelling. The required site plan shall show the location, size and description of the temporary residence.
      ii. Shall be approved for one (1) year or until the remodeling in complete whichever is the shorter period, with a maximum extension of one additional year. The temporary residence shall be removed from the property within thirty (30) days upon issuance of the Certificate of Occupancy for the principal single family dwelling regardless of the approval time period.
   f. Temporary residence as a security residence within agricultural, commercial, institutional or industrial zoning district.
      i. The applicant shall provide evidence that a security residence, as opposed to use of periodic security patrols, is necessary to protect the property.
      ii. A security residence shall not be transferred to another owner or lease of the property unless the identical conditions exist and all site conditions remain the same.
      iii. Shall be approved for one (1) year and may be renewed upon application.

Performance and Siting Standards

g. Temporary residence for a medical hardship

i. The applicant shall provide proof, in the form of a letter from an attending physician that a medical hardship exists which requires that the infirm resident have continuous supervision.

ii. Shall be approved for one (1) year and may be renewed upon re-application without limitation. If for any reason the infirm resident ceases to reside in the principal dwelling or temporary residence, the applicant shall notify the Planning and Zoning Office and remove the temporary residence from the property within thirty (30) days upon notification.

B. Ancillary uses incidental to the primary structure

Uses to be considered ancillary are permitted as indicated in the Use Tables such as but not limited to: canopies, pools, screen rooms, bonus room, rumpus room, garages, storage/tool sheds, work rooms, skateboard ramps, sport courts, playing fields, boat houses and shall meet the ancillary structure yard setback requirements of the district if not listed below, in which they are located. Similar ancillary uses may be permitted upon approval by the County Manager. Specific uses as outlined shall be subject to the following standards

1. Skateboard Ramps located in a residential district:

a. Shall be located on lots that have a minimum size of 7,500 sf

4.3.12 MANUFACTURED HOMES

A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Article.

B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this Article.

C. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

D. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 4.3.12.E or F of this Article, as applicable.

E. General elevation requirement. Unless subject to the requirements of Section 4.3.12.F of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites located:

ORD 14-174 Adopted 12-15-2014 CH4 17 - 97

1. Outside of a manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;

3. In an expansion to an existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

F. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 4.3.12.E of this Article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or

2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

G. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

H. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

4.3.13 RECREATIONAL VEHICLES AND PARK TRAILERS

A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations herein for temporary placement shall meet the requirements of this Article for manufactured homes.

Sample Building Codes – Pinellas County, FL.

1c Sec. 22-300 Dwelling Space
No person shall occupy as owner-occupant, or let or sublet to another person for occupancy, any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist, which does not comply with the following requirements:

1. **Required space in dwelling unit.** Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

2. **Required space in sleeping rooms.** In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

3. **Minimum ceiling height.** Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the ceiling height is less than seven feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

Sample Building Codes – Hollywood, FL.

Chapter 157.16 SPACE.
Requirements for space shall be as follows:

(A) Each dwelling and each dwelling unit shall have a minimum gross floor area of not less than 150 square feet for the first occupant and not less than 100 square feet for each additional occupant.

(B) Every room in a dwelling, dwelling unit, hotel or rooming house occupied for sleeping purposes shall:

(1) Have a gross floor area of not less than 70 square feet; and when occupied by more than one occupant, it shall have a gross floor area of not less than 50 square feet for each occupant. Unless licensed as a dormitory, the maximum number of occupants for each room used for sleeping purposes shall be four.

(2) Have a minimum width of eight feet.

(C) Gross area shall be calculated on the basis of total habitable room area, and those exclusions appearing in the definition of "habitable room" shall not be considered in calculation of such floor areas.

(D) Every habitable room in a dwelling, dwelling unit, hotel and rooming house shall have a ceiling height of not less than seven feet for at least half the floor area of the room. Any portion of a habitable room having a ceiling height of five feet or less shall not be included in calculating the total floor area of such room.

('72 Code, § 15-4(a)A.) (Ord. O-81-78, passed 11-4-81; Am. Ord. O-89-53, passed 9-6-89; Am. Ord. O-90-52, passed 11-7-90)

Tiny Housing vs. Homelessness

- **Purpose: Housing First Approach** is designed to end homelessness with tiny housing by providing the homeless with a permanent shelter (as opposed to a temporary stay at a shelter).
  - Los Angeles, for instance, spends $100 million on homelessness each year but $87 million of that is spent on arrests, patrolling skid row, and mental health interventions
- A better alternative: the cost of providing an apartment and social work for Utah's **housing first** clients is about $11,000 per year, while the cost for the homeless living on the street is $17,000 per year because of hospital visits and jail costs.
- **Concerns:**
  - Location for hundreds of tiny houses, and creating shantytowns. How do you regulate it so it doesn't become an American favela?
  - Having the homeless move into nicer communities
- Source: http://www.cbsnews.com/news/can-tiny-houses-solve-the-homeless-problem/

Tiny Housing Initiatives for the Homeless

- Tiny home initiatives are being taken across the country implementing or considering tiny home communities as an effective way to fight homelessness:
  - **Madison, Wisconsin:** Tiny House village **built by and for** the homeless with the help of Wisconsin-based activist group: Occupy Madison. (*See* http://america.aljazeera.com/articles/2014/11/16/madison-homelessoccupy.html)
  - **Portland, Oregon:** "Portland is preparing to endorse the construction of communities of tiny houses on publicly owned land to get homeless people off the street and offer low-income residents safe, clean and cheap places live." The City is partnering with Multnomah County to create micro-community vision a reality. (*See* http://www.oregonlive.com/portland/index.ssf/2014/08/tiny_houses_for_homeless_peopl.html)
  - **Newfield, New York:** Organizers plan 14 to 18 tiny houses on private land with private donations.
  - **Austin, Texas:** The plan is to build a village of tiny houses and small shelters for 200 people on 27 acres. "The village will bring dignity. We will have a fence and we will have community" (*See* http://www.huffingtonpost.com/2014/05/12/tiny-homes-homeless_n_5300716.html)

BROAD AND CASSEL
ATTORNEYS AT LAW

Community Land Trusts for Tiny Housing

1. **Tiny House Collective Kansas City (THCKC)** is a non-profit community land trust developing sustainable, affordable housing in Kansas City's urban core.
   - Acquired land by donation or from the Missouri Land Trust (*See* http://tinyhousebuild.com/tiny-house-collective-kansas-city/)
   - **Legal Issues:**
     - "The biggest problem for the TH movement in Kansas City is that THOW's (tiny houses on wheels) are not allowed unless they are parked in an RV Park or on mobile home park. So primarily, I have dealt with talk with good people in zoning, codes, permits, approvals, etc."
2. **Lopez Community Land Trust (LCLT)** is a 501(c)(3) non-profit with a diverse, sustainable Lopez Island community.
   - As of May 2014, there are 37 single-family homes, 2 studio rentals, and an LCLT owned and managed office and resource room on the island.
   - **Eligibility to a be a resident leaseholder:** leaseholder must demonstrate limited financial assets, regular adequate income, and agree to the terms of the Cooperative By-laws and LCLT Ground lease. The LCLT retains ownership of the land and subsidies, and offers a 99 year ground lease with a one-time renewal option. (*See* http://www.lopezclt.org/)

Tiny Housing in Florida

- **Rockledge City Council** in Brevard County, FL has made a unanimous motion to move forward with new zoning regulations that would allow the creation of tiny house developments. (*See* http://tinyhousetalk.com/florida-city-approves-tiny-house-community/)
- **Florida: Communities and villages designed for tiny homes:**
  - Orlando Lakefront at College Park is a lakefront, year-round tiny house community/RV park in Orlando. (*See* http://www.orlandolakefrontth.com/index.html)
  - Sunshine Ranch is an ecovillage in Osteen that is expanding to offer a tiny house community. (*See* http://artisantinyhouse.com/tiny-house-communities/)

BROAD AND CASSEL
ATTORNEYS AT LAW

Tiny Houses in Cape Coral ?

Committee of the Whole – May 22, 2017

Tiny Houses
A New Trend in Housing Options

- Gaining in popularity
- Many designs and construction methods used
- Often built with a chassis for transport to site
- Compliance with Building and Zoning Codes often a challenge
- Is this trend a fit for Cape Coral?

Types of Tiny Houses

Built on site

- Must meet Florida Building Code & City LUDR

Transported to site & placed on foundation

- Standard of construction varies widely
- Must meet Florida Building Code & City LUDR to be placed in the City

Constructed on a permanent chassis (Mobile Home)

- Built to HUD and DOT standards

Site Installed Tiny Houses

Tiny House on a chassis for transport

Another Tiny House on Wheels

Cornerstone Tiny Homes is proud to introduce a Florida Building Code Compliant Tiny Home

- 2014 Florida Building Code, Residential Compliant Designs
- 2015 International Residential Code Compliant Designs
- Designed by Florida registered Professional Engineer (PE#70921)
- Built by Certified Building Contractor (CBC 1255395)
- Built within a State of Florida Approved Modular Manufacturing Facility (MFT 11224) Pending
- State of Florida Approved Designs by certified third party plans reviewers Pending
- State of Florida Inspected during fabrication by certified third party building inspectors
- Eased zoning restrictions, can be placed in most typical neighborhoods, not RV parks
- Perfect for narrow and profoundly narrow lot configurations
- Designed for hurricane prone coastal regions and the elevated Wind Borne Debris criteria

Code Challenges for Tiny Houses

Compliance with Florida Building Code

- Construction methods often unknown
- Many designs feature sleeping lofts with no means of egress for fire & life safety
- One habitable room at least 120 sq. ft. req.
- Minimum ceiling height of 7’
- 610 sq. ft. minimum to meet all req’s
- 750 to 850 sq. ft. min more likely without design difficulties

City Land Use Regulations

- Garages required for all dwellings
- Minimum living areas – 1,100 sq. ft and up

Tiny Houses – Pros and Cons

Pros:

- **Tiny houses growing in popularity - may be an alternative way to provide for more affordable housing.**
- **If located on smaller lots, there may be more efficient use of available infrastructure.**

Tiny Houses – Pros and Cons

Cons:

- Often do not comply with any recognized building code, thereby raising life safety concerns for occupants of these structures.
- Perceived as having a negative effect on surrounding property values and neighborhood character.
- Although overall cost of a tiny house is less than a typical house design, the cost per square foot is often much higher.
- Little available room for mechanical systems and personal storage.

Code Changes Necessary to Permit Tiny Houses

Florida Building Code

- No exemptions or waivers – would require change at the state level to change standards

LUDR

- Amend code requirements for minimum house size
- Amend code requirement for an attached garage

Zoning Options

- 1) Allow tiny houses on any lot

  Amend minimum house size and garage requirements

- 2) Create a zoning district specifically for tiny houses

  Minimum size of district

  Minimum lot size

  Minimum house size

- 3) Allow Tiny Houses in RV parks

  RV parks only allowed in Ag zoning

Recommendation

- Address any code changes for tiny houses in the ongoing code rewrite effort

Discussion