

ORDINANCE NO. 1680 - 2015

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 7 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO ADD A SECTION 70.90 PROVIDING FOR TINY HOUSES IN POCKET NEIGHBORHOODS AS A USE WITHIN THE REDEVELOPMENT MIXED USE (RMU) AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

WHEREAS, the Rockledge Planning Commission has reviewed the necessity for an ordinance creating a Land Development Regulation allowing and controlling Tiny House construction and uses within the City of Rockledge; and

WHEREAS, the Rockledge Planning Commission has recommended that a Tiny Houses in Pocket Neighborhoods category be added to the City's Land Development Regulations; and

WHEREAS, the Rockledge City Council has determined that an addition to the Rockledge Land Development Regulations be created to provide a category allowing and regulating Tiny House uses in Pocket Neighborhoods within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:

SECTION 1. The Rockledge Land Development Regulations are amended by adding a new Section 70.90 as contained in Exhibit "A" attached hereto.

SECTION 2. The provisions of this Ordinance are severable,

and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

SECTION 3. This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

ADOPTED at a regular meeting of the City Council of the City of Rockledge, Florida, this 23rd day of September 2015.

/s/ Thomas J. Price
Chairman, City Council of the
City of Rockledge, Florida

ATTEST:

/s/ Betsi Beatty Moist
City Clerk

1st Reading: 09/09/15

2nd Reading: 09/23/15

SECTION 70.90. TINY HOUSES IN POCKET NEIGHBORHOODS

- A. A tiny house shall be defined as a principal residential dwelling that has a square footage of between 170 and 1,100. Tiny Houses are only permitted within the Redevelopment Mixed Use district (RMU) or a Planned Unit Development (PUD) in a Pocket Neighborhood setting.
1. Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.
 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 total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
 4. Structure width. The minimum width of a tiny house must be at least 8.5 feet, with a maximum of 20 feet.
- B. A tiny house on wheels (THOW), *for the purposes of these Guidelines*, is a structure which is intended as a full time residence or year-round rental property and meets these conditions:
1. Built on a trailer that is registered with the builder's local DMV.
 2. Towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move (and was not designed to be moved) under its own power.

3. Is no larger than allowed by applicable state law. (The typical THOW is no more than 8'6" wide, 30' long, and 13'6" high. Larger tiny houses may require a special commercial driver license and/or special permits when being towed.)
 - a. Verify with the DMV that the THOW is with limits of the law.
 - b. Roof height is from bottom of tires to the top of the highest exterior point on the house, including any protrusions. The roof height may be taller when stationary, as long as it is collapsible for towing of the THOW. Chimney piping may need to be removed for travel and then reinstalled to meet clearance requirements for use.
 - c. Built to the standards of a Florida ASCE structural engineer's approved plans
4. Has at least 170 square feet of first floor interior living space.
5. Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).
6. The following documentation will be required to be submitted for building permit for a THOW in a pocket neighborhood:
 - a. Detailed structural plans illustrating the location of studs, joists, rafters, and engineered connectors (hurricane clips, tension ties, etc.). Plans should clearly address how the structure is secured to the trailer, and how the floors, walls, and roof are framed and sheathed. Plans should also include an illustration of a floor, wall and roof section, showing the building members, insulation, vapor barrier, moisture barrier, sheathing, siding and roofing.
 - b. Detailed diagram of the electrical plan.
 - c. Photographs of the framing, roof, insulation, rough plumbing, and rough electrical.

- d. A statement describing your construction methods along with the names and addresses of any subcontractors you may have hired.
- C. A tiny house will be permitted within a planned pocket neighborhood. A pocket neighborhood is defined as meeting the following requirements:
1. A minimum of 4 tiny houses and maximum of 12 tiny houses per pocket neighborhood. Twenty-five percent (25%) of these house sites may be for THOWs.
 2. Centralized common area. The common open space area shall include usable public spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all houses having access to it.
 - a. Four hundred square feet of common open space is required per unit.
 - b. Fifty percent of units must have their main entry on the common open space.
 - c. All units must be within five feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.
 - d. The principal common open space must be located centrally to the project. Additional common open space can only account for twenty-five percent of the total requirement with trails and pathways connecting the total development. Passive trails are allowed and may count towards the common open space requirement.
 - e. Community buildings or clubhouses can be counted towards the common open space calculation.
 - f. Tiny Houses must surround the common open space on a minimum of two sides of the green.
 - g. Common open space shall be located outside of stormwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.

3. All houses must have both front and rear porches.
 - a. Porches shall be oriented towards common open space or street and designed to provide a sense of privacy between units. Porch shall be a minimum of (80) eighty square feet and a minimum of (8') eight feet deep on the common open space side of the building. The square footage of the porch may be reduced to (60) sixty square feet (six by ten feet deep) on units less than six hundred total gross square feet.
 - b. Secondary entrances facing the parking and sidewalk are required to have a minimum five-by-five-foot porch.
4. Pocket neighborhood communities must be part of a condo or homeowners association to maintain the common areas
5. Lot Requirements.
 - a. Area. The minimum lot area per dwelling unit shall be of (1,200) Twelve Hundred square feet. Maximum lot area per dwelling unit shall be (3,000) Three thousand square feet. Maximum lot coverage 40% for structure, porches and drives 30%
 - b. Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
 - c. Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet
6. Setbacks.
 - a. Front setback: shall be twenty feet to be used for front porch and parking.
 - b. Rear or next to common area the set back shall be five feet for the construction of a rear porch.
 - c. Side Setbacks: The sum of side setbacks shall be not less than ten feet. If the side setback adjoins public open space, these setback requirements may be reduced by an amount equal

to the distance from the property line to the centerline of the open space.

- d. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five feet to any structure on an adjacent lot.
7. Maintenance of open space and utilities. Before approval is granted, the applicant shall submit covenants, deeds and homeowners association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners association may be recorded simultaneously with the filing of the final plat.
 8. Tiny houses on wheels (THOW) in pocket neighborhoods must comply with the following:
 - a. THOWs must be placed in a designated area in the approved site plan of the pocket neighborhood.
 - b. All THOWs must be placed adjacent to common open space area.
 - c. Must meet the tie down and skirting requirements of the Mobile Home requirements of the Land Development Regulations. The Building Official may require additional standards to ensure the porches hide any hitches.

End Exhibit "A"