

Board of County Commissioners

Agenda Request

Date of Meeting: October 17, 2016

Date Submitted: October 10, 2016

To: Honorable Chairman and Members of the Board

From: Howard Kessler, M.D. County Commissioner, District 3

Subject: Request Board Approval to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance Pertaining to Tiny Houses

Statement of Issue:

This agenda item requests Board approval to schedule and advertise a public hearing to consider adopting an Ordinance pertaining to tiny houses.

Background:

Tiny houses have become popular throughout our country and elsewhere. Current regulations in Wakulla County do not allow for residential dwellings smaller than 600 square feet in size. Wakulla County currently has permitted residential structures less than 600 square feet in size.

Analysis:

Allowing for construction of dwellings smaller than 600 square foot in size – so long as such that construction otherwise comply with the Florida Building Code and other applicable provisions of law promotes the efficient use of resources, the availability of affordable housing to meet the needs of the County and generally promotes the health, safety and welfare of the citizens of the county. In addition, it provides more choice for our citizens as to how they may choose to utilize their land. This agenda item seeks to create a new definition of accessory structure and regulate the usage and size of accessory dwelling units.

Budgetary Impact:

Upon approval to schedule the public hearing, the Board will incur a fee of approximately \$100 to advertise with Wakulla News.

Options:

1. Approve to schedule and advertise a public hearing to consider adopting an Ordinance pertaining to tiny houses.
2. Do not approve to schedule and advertise a public hearing to consider adopting an Ordinance pertaining to tiny houses.
3. Board Direction.

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Recommendation:

Option #1

Attachment(s)

1. Draft Ordinance

ORDINANCE NUMBER 2016-_____

AN ORDINANCE OF WAKULLA COUNTY, AMENDING WAKULLA COUNTY LAND DEVELOPMENT CODE SECTION 2-4, PERTAINING TO DEFINITION OF TERMS; CREATING A NEW DEFINITION OF ACCESSORY DWELLING UNIT; AMENDING SECTION 6-1, RELATING TO ACCESSORY USE REGULATIONS; REGULATING USAGE AND SIZE OF ACCESSORY DWELLING UNITS; AMENDING SECTION 6-29, WAKULLA COUNTY LAND DEVELOPMENT CODE PERTAINING TO THE NET LIVING AREA SIZE OF SINGLE FAMILY DWELLING UNITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Wakulla County (the “County”) Land Development Code presently prohibits residential dwelling units less than 600 square feet in size; and

WHEREAS, the County finds that the construction and habitation of residential dwelling units smaller than 600 square feet in size—so long as such otherwise comply with the Florida Building Code and any other applicable provisions of law—promotes the efficient use of resources, the availability of affordable housing to meet the housing needs of the County, and generally promotes the health, safety, and welfare of the citizens of the County; and

WHEREAS, the County now wishes to amend its Land Development Code to allow for the construction and habitation of residential dwelling units smaller than 600 feet in size, so long as such otherwise comply with the Florida Building Code and all other appurtenant provisions of Florida law; and

WHEREAS, the County further wishes to amend its Land Development Code regulations pertaining to accessory dwelling units to clarify and consolidate terms, provide that accessory dwelling units shall be limited to one per parcel, and provide size limitations applicable to accessory dwelling units to ensure development that is proportional and in character with the surrounding community; and

WHEREAS, these provisions may also be enforced in the incorporated cities within the County if the affected city and County enter into an interlocal agreement to provide such services; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE 1. INCORPORATION OF RECITALS. The above recitals are hereby incorporated herein and made part of this ordinance.

ARTICLE 2. AMEND SECTION 2-4 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE. The Board of County Commissioners (the “Board”) hereby amends Section 2-4, of the Wakulla County Land Development Code, as follows:

(Words that are ~~stricken out~~ are deletions; words that are underlined are additions)

Section. 2-4 – Definition of Terms.

* * *

Accessory Dwelling Unit shall mean any detached guest cottage, in-law suite, garage apartment, or similar building containing living facilities for not more than one family, located on the same lot or parcel as a principal dwelling, or on a vacant lot contiguous to lots developed with a principle dwelling which are under the same ownership, used exclusively for housing members of the family occupying the principal building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling. Accessory Dwelling Units shall not exceed the lesser of one-third of the living area of the principal dwelling or 600 square feet.

* * *

~~———— (80) ——— Garage apartment: An accessory or subordinate building not a part of or attached to the main building, containing living facilities for not more than one family, the living facilities of which shall not occupy more than 50 percent of the total floor area of the building.~~

* * *

~~———— (87) ——— Guest cottage: Living quarters within a detached accessory building located on the same lot or parcel as the main building, or on a vacant lot contiguous to lots developed with a primary use, which are under the same ownership, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.~~

* * *

ARTICLE 3. AMENDMENT OF SECTION 6-1 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE. The Board hereby amends Section 6-1, of the Wakulla County Land Development Code, as follows:

(Words that are ~~stricken out~~ are deletions; words that are underlined are additions)

* * *

Section 6-1. - Accessory uses.

(1) *In general.* Accessory uses and structures are permitted in any zoning district where such uses or structures are allowed within the district in question, or as provided in the regulations for a district.

(2) *Uses allowed.* Where applicable, allowed accessory uses include:

(a) Antenna structures for residential television and radio.

(b) Children's playhouses, not to exceed 100 square feet of gross floor area, and juvenile play equipment.

(c) Fallout shelters.

(d) Private garages and carports, except that no garage or carport, when used as an accessory to a multiple-family residence, shall be designed for more than two vehicles per dwelling and not more than one commercial vehicle (and no truck-tractor or truck-trailer) may be parked in a private enclosed garage. (Note: An owner needing more garage space for commercial vehicles would need to have property classified C-2.)

(e) Gazebos and similar structures.

(f) Private swimming pools and bathhouses.

(g) Tennis, basketball or volleyball courts and other similar private recreation facilities.

(h) ~~Guest cottages and garage apartments with living units having less than 600 square feet of floor area.~~ Accessory Dwelling Units.

1. Accessory Dwelling Units lawfully in existence prior to the effective date of this Ordinance shall be considered non-conforming uses under section 5-5 of this Code and shall not be subject to the size restrictions applicable to Accessory Dwelling Units.

2. A Principal Dwelling constructed after the effective date of this Ordinance may subsequently become an Accessory Dwelling Unit upon completion of a new building that is intended to serve as the Principal Dwelling on the same parcel, so long as it is consistent with the size restrictions applicable to Accessory Dwelling Units.

(i) Doghouses, pens and other similar structures for the keeping of commonly accepted household pets.

(3) *Special requirements for all accessory uses.* All accessory uses, regardless of location, shall meet the following requirements:

(a) No accessory structure shall be occupied as a residence, except for ~~guest cottages and garage apartments.~~ Accessory Dwelling Units.

(b) All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which they are located.

(c) All accessory uses and structures shall comply with the property development regulations applicable in the zoning district in which they are located.

(d) All accessory uses and structures shall be arranged and maintained so as not to encroach on any required front yard.

(e) The placement of accessory structures will be allowed on vacant lots contiguous to lots developed with a primary use, which are under the same ownership, if the applicant offers either (i) unity of title, in a form acceptable to the county attorney, merging the two parcels; or (ii) a restrictive covenant eliminating any principal use of the contiguous lot, running in favor of the county and in a form acceptable to the county attorney.

(f) Accessory Dwelling Units shall be limited to one structure per lot or parcel of land.

* * *

ARTICLE 3. AMEND SECTION 6-29 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE. The Board hereby amends Section 6-29, of the Wakulla County Land Development Code, as follows:

(Words that are ~~stricken out~~ are deletions; words that are underlined are additions)

Sec. 6-29. - Dwellings to comply with Florida Building Code.

No dwelling, including mobile homes, shall be permitted for occupation as a residence in the county unless it ~~has a minimum of 600 square feet of net living area (not including garages, carports, porches, balconies, storage areas or cabanas).~~ complies with the Florida Building Code, state approved standards for manufactured homes, and all other applicable provisions of law and the County's Code.

ARTICLE 4. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

ARTICLE 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

PASSED AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida this ____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS OF
WAKULLA COUNTY, FLORIDA

By: _____
RALPH THOMAS, Chair

ATTEST:

BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM AND CONTENT:

HEATHER J. ENCINOSA, ESQ
County Attorney