



**Department of Economic
and Development Services**

Memorandum

To: Planning Commission
From: Edward Lehman, Planning and Zoning Director
Date: August 1, 2017
Re: Tiny Homes

Issue: Allow for dwelling units smaller than 750 square feet living area in the Agriculture (AG) Zoning District and the Agriculture/Residential (AR) Zoning District.

Background: There have been several inquiries about the ability for residents in Clay County to construct houses smaller than presently allowed in our Land Development Code, which reflects the increasing popularity of “tiny houses” around the country. There is presently no set definition of a tiny home, but it is generally noted on a number of websites that a tiny home is a living quarters of 500 feet or less. The Clay County Land Development Code does not allow tiny homes in any zoning district that allows residential dwelling units. The exception is that minimum living area requirements are not mandated in PUDs. Section 3-7(f)3 of the Land Development Code currently reads as follows:

- (3) Minimum Living Area: No living unit shall be constructed with a living area of less than 750 square feet, excluding units within the Planned Unit Development District. The Section shall not apply to mobile residences or house trailers meeting all other requirements of this Article. Minimum living area shall include only conditioned space.

Therefore at this time, tiny homes could be constructed in Clay County, but only as part of a PUD zoning district. Staff is not aware of any PUD that has approved houses with a minimum living area of less than 750 square feet. While presently there seems to be nothing preventing a land owner from proposing a PUD that includes dwelling units smaller than 750 square feet, staff believes that land use densities may restrict anyone from doing a community of tiny houses. Staff will continue to research whether there are additional changes to the Land Development Code and Comprehensive Plan that are necessary to facilitate such a development.

Proposed Language: Staff believes that at the present time the ability to construct a tiny house should be limited to parcels with Agriculture (AG) and Agriculture/Residential (AR) zoning. Staff is concerned that there could be incompatibility issues with allowing these smaller units in residential zoning. As such staff is proposing that the Planning Commission consider adoption of the changes

shown in the attached ordinance that remove reference to 750 square feet of minimum living area in AG and AR zoning districts.

Recommendation: Staff recommends that the Planning Commission approve the language in the attached ordinance that removes the requirement that dwelling units in AG and AR zoning have a minimum living area of 750 square feet.