

TINY LIVING REQUIRES BIG SOLUTIONS: HOW FLORIDA'S STATE AND LOCAL LAWS COMPLICATE TINY HOUSE LIVING

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Abstract

Tiny houses entered the mainstream nearly a decade ago and are popular as an affordable, environmentally conscious, and traveler friendly housing option. However, local governments across the nation still have wildly different regulations governing tiny houses. Some jurisdictions have no rules at all, others define tiny houses by specific regulations, and others ban them outright. The differences between these rules across different jurisdictions are leaving tiny-home owners in the dark about their property rights.

This Note addresses the policy concerns and considerations surrounding tiny houses on foundations and tiny houses on wheels with local city and county laws. Through many examples of local government codes throughout Florida, this Note explores three major issues with tiny house zoning: Minimum floor area requirements, minimum lot sizes, and the ability of local governments to amend the Residential Florida Building Code. Local zoning issues such as minimum dwelling sizes pose massive challenges to those looking to embrace the tiny house lifestyle. Additionally, minimum lot sizes create financial hurdles for tiny living, taking away from a major reason why people choose to go tiny. Although the Residential Florida Building Code provides some uniformity and clarity on what is and is not a tiny house, not all cities and counties have embraced this definition with open arms, and the ability to amend the Florida Building Code within local government codes greatly diminishes the usefulness and uniformity of the code across the state.

Finally, this Note discusses proposed solutions to the issues discussed. By amending zoning codes, continuing to take advantage of cracks in the system, and advocating for codes to explicitly adopt Appendix Q to the Residential Florida Building Code, Florida can become a tiny friendly state.

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I. INTRODUCTION

Florida is one of the fastest growing regions in the United States, and it remains the third most populous state in the nation.¹ Demand for Florida housing continues to rise, and the value of a traditional home in Florida rose nearly sixty percent over the past five years.² Although market analysts noted a dip in 2025 Florida home prices, the median home price is about \$370,000, which varies widely depending on the city.³ Due to high mortgage rates and a decrease in the inventory of single-family homes, some people are being priced out of the home market.⁴

1. Kristie Wilder & Paul Mackun, *Sunshine State Home to Metro Areas Among Top 10 U.S. Population Gainers from 2022 to 2023*, U.S. CENSUS BUREAU (Mar. 14, 2024), <https://www.census.gov/library/stories/2024/03/florida-and-fast-growing-metros.html> [https://perma.cc/H23D-VGDZ].

2. Giulia Carbonaro, *Florida Housing Market Facing 'Widespread Price Declines'*, NEWSWEEK (Jan. 18, 2025, at 9:54 ET), <https://www.newsweek.com/florida-housing-market-facing-widespread-price-declines-2017199> [https://perma.cc/A4EU-XZTL].

3. *Florida Housing Market*, ZILLOW (Dec. 31, 2025), <https://www.zillow.com/home-values/14/fl/> [https://perma.cc/VD5E-SHGD].

4. Tarik Minor, *Can Florida's Housing Market Rebound in 2025 After Experiencing One of Worst Years in Decades? Here's What Experts Think*, NEWS4JAX (Jan. 13, 2025, at 17:59 ET), <https://www.news4jax.com/news/local/2025/01/13/can-floridas-housing-market-rebound-in-2025-after-experiencing-one-of-worst-years-in-decades-heres-what-experts-think/> [https://perma.cc/4G3X-SFRT].

Enter the tiny home. The movement can be traced back to the early 2000s, and tiny houses remain popular as an affordable, environmentally conscious, and traveler-friendly housing option. A tiny house is a small house on a foundation, or on wheels, that can measure anywhere between 100 to 500 square feet.⁵ Tiny houses on foundations are just like any other home built on a foundation, only they are much smaller—the average size of a U.S. home in 2023 was over 2,500 square feet.⁶ A tiny house on wheels is not placed on a foundation and can be hitched onto a car and towed like a trailer, or they can be driven like an RV. Plus, while tiny houses range in price, the average cost is between \$30,000 to \$60,000—only a fraction of the price of a traditional home in Florida.⁷

While tiny houses seem like a simple solution to affordable homeownership, local governments across the state of Florida have wildly different regulations governing tiny houses. Some have no rules at all, others define tiny houses by specific regulations, while others have effectively banned them through complicated zoning schemes, including minimum dwelling sizes and minimum lot sizes. The differences between the rules of many county and city governments require tiny-home owners to decipher complicated building codes and zoning rules, leaving them in the dark about their property rights and unable to achieve the homeownership they desire.

This Note addresses the policy concerns and considerations involving how local law affects tiny houses on foundations and tiny houses on wheels. Through many examples of county and city codes throughout the state of Florida, this Note gives a comprehensive overview of local laws that help and hinder the tiny home lifestyle. First, this Note looks at the recent definitions and the history of tiny houses, orienting readers in why some choose to go tiny and what a tiny lifestyle entails. Next, this Note considers a multitude of local issues tiny-home owners face. From minimum floor space requirements to unclear building and zoning regulations, tiny-home owners need to consider several layers of laws on the city, county, and state levels to determine where their tiny house is and is not legal in Florida. Lot sizes, density limits, and minimum building requirements can all be used to encourage or stop the tiny house movement on a local level.

5. Liz Alterman, *What Is a Tiny House? A Huge Trend Explained in Simple Terms*, REALTOR.COM (Nov. 1, 2022), <https://www.realtor.com/advice/buy/what-is-a-tiny-house/> [https://perma.cc/UH5P-YZQQ].

6. *Average Size of Floor Area in New Single-Family Houses Built for Sale in the United States from 1975 to 2024*, STATISTA (Nov. 29, 2025), <https://www.statista.com/statistics/529371/floor-area-size-new-single-family-homes-usa/> [https://perma.cc/FM7F-W9FB].

7. Jackie Lam, *How Much Does a Tiny Home Cost?*, ROCKET MORTGAGE (Dec. 23, 2025), <https://www.rocketmortgage.com/learn/how-much-does-a-tiny-house-cost> [https://perma.cc/H383-QSWM].

Finally, this Note considers solutions to the issues that tiny-home owners face, including looking at small gaps in the law where tiny houses may fit and advocating for widespread adoption of tiny house friendly laws into local regulations.

A. *Recent History of Tiny Homes*

Although tiny living is present globally (even going back to ancient times) the modern tiny house movement saw a boom after the 2008 financial crisis.⁸ Fueled by a bad economy, a lack of available housing, and more awareness about global warming, people turned to tiny houses as a way to affordably own their own home.⁹ Tiny house shows hit the mainstream around 2014 with shows like *Tiny House Nation* and *Tiny House Hunters*, spreading even more popularity.¹⁰ Finally, with the onset of the COVID-19 pandemic, the idea of tiny living continued to grow because of rising costs, rising home prices, and the ability to be self-sufficient and travel during a time when others were unable to leave their homes.¹¹

Now, tiny houses are an affordable option for first-time home buyers or even those who want to cut costs and lead minimalistic lives; however, tiny-home owners face difficulties in legally finding places to put their tiny homes.¹² By fixing such difficulties in state and local laws, homeowners can have more freedom, affordability, and flexibility in buying and living in their own home.

B. *Why People Go Tiny*

Affordability is a major reason why people go tiny—a tiny house can cost anywhere between \$5,000 to \$61,000 to construct, whereas the average cost of a U.S. home in 2014 was \$306,900.¹³ As the average house size has increased over the last forty years, the average family size has simultaneously decreased, leaving people with more room in their

8. *Very Little House on the Prairie*, THE ECONOMIST (Feb. 19, 2009), <https://www.economist.com/united-states/2009/02/19/very-little-house-on-the-prairie> [<https://perma.cc/DD8C-9AQJ>].

9. *Id.*

10. *Tiny House Nation*, IMDB, <https://www.imdb.com/title/tt3869500/> [<https://perma.cc/37DV-QA4F>] (last visited Mar. 6, 2026); *Tiny House Hunters*, IMDB, <https://www.imdb.com/title/tt4799404/> [<https://perma.cc/SX5N-R55D>] (last visited Mar. 6, 2026).

11. Elton Mayfield, *The Tiny Home Boom After COVID-19*, ER MKTG. <https://ermarketing.net/navigate-the-channel/the-tiny-home-boom-after-covid-19/> [<https://perma.cc/4E6N-BMPT>] (last visited Mar. 6, 2026).

12. See *infra* Part II.

13. Jasmine Ford & Lilia Gomez-Lanier, *Are Tiny Homes Here to Stay? A Review of Literature on the Tiny House Movement*, 45 FAM. & CONSUMER SCIS. RSCH. J. 394, 397 (2017).

homes than ever before.¹⁴ This has left some to reconsider whether they need to pay for space in their home that they do not use.¹⁵ Aside from the cost of construction, the cost of energy needed for heating and cooling is lower in a tiny house.¹⁶ For some, living tiny is the only way to afford and own their own home.¹⁷ By avoiding large mortgage payments (or mortgage payments completely) tiny-home owners can achieve home ownership with little to no debt.¹⁸ Along with affordability, living tiny forces one to cut back on materialistic items and consumerism, further saving money.¹⁹ From a minimalist lifestyle and decreased expenses, people living tiny can spend their money enjoying more experiences rather than consumer goods.²⁰

Debt is a controlling issue in America. Mortgage debt has led to the largest increase in debt in the United States, and the number of adults going into retirement with mortgage debt has doubled over the past two decades.²¹ Additionally, as student debt continues to rise, homeownership rates continue to fall.²² Loan debt is also delaying some from purchasing a home, and affordability is a major obstacle for those looking to buy their first home.²³ Tiny houses can be an affordable first option to own a home and reduce debt associated with homebuying.

Aside from affordability, less debt, and countering rising housing costs, the trend toward tiny living is influenced by many other factors. For instance, some tiny-home owners value environmentalism. Tiny houses are more environmentally friendly because of their smaller carbon footprint.²⁴ Tiny houses efficiently use energy because they have less lights, less space to heat or cool, and fewer appliances to run.²⁵ Additionally, the minimalist lifestyle means tiny-home owners have an even smaller environmental footprint due to the reduction of energy

14. Lauren M. Boeckermann, Andrew T. Kaczynski & Sarah B. King, *Dreaming Big and Living Small: Examining Motivations and Satisfaction in Tiny House Living*, 34 J. OF HOUS. & BUILT ENV'T 61, 62 (2018).

15. *Id.*

16. Ford & Gomez-Lanier, *supra* note 13, at 396.

17. Boeckermann, Kaczynski & King, *supra* note 14, at 63.

18. Lauren Trambley, *The Affordable Housing Crisis: Tiny Homes & Single-Family Zoning*, 72 HASTINGS L.J. 919, 933 (2021).

19. Boeckermann, Kaczynski & King, *supra* note 14, at 69.

20. *Id.* at 63.

21. Cazilia Loibl et al., *The Role of Consumer and Mortgage Debt for Financial Stress*, 26 AGING & MENTAL HEALTH 116, 116 (2020).

22. Robert H. Scott III & Steven Bloom, *Student Loan Debt and First-time Home Buying in U.S.A.*, 15 INT'L J. HOUS. MKTS. & ANALYSIS 80, 80–81 (2022).

23. *Id.* at 81.

24. Boeckermann, Kaczynski & King, *supra* note 14, at 63.

25. Charlie Kilman, *Small House, Big Impact: The Effect of Tiny Houses on Community and Environment*, 2 UNDERGRADUATE J. HUMANISTIC STUD. 1, 4 (2016).

needed to manufacture and ship consumer products.²⁶ When tiny houses are built in urban areas, they can be used to combat urban sprawl, furthering environmental purposes by sustaining more greenspaces, reducing emissions from cars, and increasing density in underutilized spaces.²⁷

Other tiny-home owners take self-sufficiency to the next level and choose to live “off grid,” meaning they are completely dependent on their tiny home and the land around them for energy, water, waste management, and food.²⁸ By using solar panels, harvesting rainwater, and growing their own food or livestock, these tiny-home owners do not depend on public utilities or grocery stores for basic needs.²⁹ This lifestyle is ideal for those looking to be independent and spend more time outdoors.

Tiny houses on wheels are also valuable for those looking for freedom to travel.³⁰ Having a tiny house on wheels allows some to journey to new places without being tied down in any one spot.³¹ This nomadic lifestyle is ideal for those wanting to see the country on a budget.

There’s also a large element of creativity in tiny houses. Some choose to go tiny to design their own house.³² People build tiny houses from scratch, and many turn their creativity into a business or monetize their skills with how-to videos on YouTube or other social media websites. The personal touch of tiny houses allows people to live truer to their own ideals or aesthetics.

For any reason one chooses to live tiny, proposed solutions to how tiny houses should be integrated into zoning schemes and other state and city laws should consider why people choose to live in a tiny home. While those who live nomadically or want to be off the grid may not support laws that further define and constrain tiny homes, others who have chosen to go tiny to be less materialistic and spend more time with family may want the stability of knowing their tiny house is codified by their local city or county.³³ As tiny homes continue to stay in the mainstream and

26. *Id.*

27. Trambley, *supra* note 18, at 933–34.

28. *The Ultimate Guide to Living Off-Grid in a Tiny Home*, UNITED TINY HOMES, <https://unitedtinyhomes.com/the-ultimate-guide-to-living-off-grid-in-a-tiny-home/> [<https://perma.cc/X6JL-KRGX>] (last visited Mar. 6, 2026).

29. *Id.*

30. Boeckermann, Kaczynski & King, *supra* note 14, at 68–69.

31. Boeckermann, Kaczynski & King, *supra* note 14, at 63.

32. Boeckermann, Kaczynski & King, *supra* note 14, at 63.

33. Meghan McGlone, *A Tale of Two Cities: How Two Florida Towns Are Handling the Tiny Home Movement*, WUFT (Dec. 14, 2022, at 17:16 ET), <https://www.wuft.org/longform/2022-12-14/a-tale-of-two-cities-how-two-florida-towns-are-handling-the-tiny-home-movement> [<https://perma.cc/2NKE-V92H>] (noting that while some tiny-home owners advocate for laws, others do not).

even rise in popularity among younger generations,³⁴ local governments should include tiny houses in zoning schemes and codes to make this affordable style of living more common and achievable.

In the following sections, this Note will address the local issues that tiny houses face, referencing local Florida law throughout to give examples of what does and does not support tiny house development. First, this Note outlines how the Residential Florida Building Code's definition of tiny houses is merely optional, leading to a lack of uniformity across the state. Minimum floor area requirements, which fall entirely into a local government's police power, can also hinder the existence of tiny homes. Additionally, because the Residential Florida Building Code's optional Appendix Q may be amended, tiny house definitions and rules vary widely from cities to counties in Florida. Minimum lot sizes, limits on density, and limits on subdividing property also impede the development of tiny homes and tiny home communities. Finally, a case study from nearby Calhoun, Georgia, shows how recent litigation is opening doors for tiny-home owners. This Note concludes with calls to adopt Appendix Q and amend zoning codes.

II. TINY HOUSES FACE LOCAL ISSUES

The extensive variety of local laws across Florida and the entire United States hinder the use of tiny houses. Because tiny houses can be considered a house by some, an RV by others, or even a mobile home or trailer, tiny houses do not fit neatly into existing zoning and local laws.³⁵

The Residential Florida Building Code, with its definition of tiny houses, establishes some uniformity in categorizing tiny houses. The Residential Florida Building Code's Appendix Q defines a tiny house (both on a foundation or on wheels) as a single dwelling at or less than 400 square feet, and it has specific maximum standards for dimensions of the house.³⁶ The Residential Florida Building Code (FBC) is based on the International Building Code, which creates building codes for the United States, and Florida's version is specific to Florida infrastructure.³⁷ The International Code Council, which creates the International Building Code, adopted Appendix Q in its 2018 codes to bring safety standards to

34. *Report Finds 73% of Americans Would Live in a Tiny Home*, IPX1031 <https://www.ipx1031.com/tiny-homes-in-america/> [<https://perma.cc/8WU9-Q7RW>] (last visited Mar. 6, 2026).

35. Ford & Gomez-Lanier, *supra* note 13, at 400.

36. FLA. BLDG. CODE, RESIDENTIAL app. Q Tiny Houses (8th ed. 2023).

37. FLA. HOUS. FIN. CORP., OVERVIEW OF THE FLORIDA BUILDING CODE 2 (2017), <https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/august2017/tab4.pdf> [<https://perma.cc/4VZ3-YL64>].

tiny house construction.³⁸ Florida first included Appendix Q in its 2020 building code,³⁹ and it is still part of the FBC today. Every city and county in Florida must enforce the FBC's minimum standards.⁴⁰ However, appendices are typically not applied unless specifically adopted by the local governments.⁴¹ Florida's adoption of Appendix Q created a uniform definition of tiny houses which is applicable across the state; however, cities and counties may still amend the FBC to fit their local government's specific health and safety concerns or even choose not to adopt appendices.⁴² Small changes in the dimensions of a tiny house, such as how wide a ladder rung or how tall a ceiling can be, can affect the legality of the house, which can cause issues for tiny-home owners.

Although there is a uniform definition of tiny houses from the International Building Code, each city and county can define tiny houses as they see fit, create their own zoning schemes for tiny houses, or even choose not to include tiny houses in zoning entirely. Some cities and counties have minimum sizes for houses, which, when set to over 400 square feet, can effectively ban tiny houses from certain areas.⁴³ Additionally, cities may proscribe other zoning rules, such as minimum lot sizes,⁴⁴ making the land for a tiny house much more expensive and inefficient than it needs to be. All these rules and more are controlled by local governments, and each city or county can individually determine how to regulate houses within its jurisdiction.⁴⁵ Such zoning rules fall squarely within a local government's power to regulate.⁴⁶ This lack of uniformity and local governments' habits of sticking to existing zoning laws prohibits innovative uses of land, such as tiny houses.

38. *History Is Made: Tiny Houses Approved and Incorporated into the International Residential Code*, PR NEWswire (Dec. 7, 2016, at 19:54 ET), <https://www.prnewswire.com/news-releases/history-is-made-tiny-houses-approved-and-incorporated-into-the-international-residential-code-300374431.html> [https://perma.cc/699S-47SQ].

39. Janet Thome, *Appendix Q: State by State*, TINY HOUSE ALL. USA, <https://www.tinyhouseallianceusa.org/appendix-q-state-by-state/> [https://perma.cc/S49L-3D9Z] (last visited Mar. 6, 2026).

40. FLA. STAT. § 553.355 (2025) (noting that the FBC lays out the minimum construction requirements for all buildings in the state).

41. See FLA. BLDG. CODE, RESIDENTIAL app. J (noting that, like many other appendices to the FBC, "the provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance").

42. FLA. STAT. § 553.73(4)(a)–(b) (2024) (stating that local governments may adopt amendments to Florida Building Code to be more stringent than the minimum standards).

43. See FLA. BLDG. CODE, RESIDENTIAL app. Q (defining a tiny house as a house with "400 square feet (37 m²) or less in floor area excluding lofts").

44. See *infra* Part II.C.

45. *Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 397 (1926) (holding that zoning schemes fall into a state's police powers).

46. *Id.*

A. Minimum Floor Area Requirements

The power of cities and counties to regulate zoning stems from their respective states. The United States Constitution reserves to states all powers not delegated to the federal government.⁴⁷ This includes police powers, which are used to regulate public welfare and morality.⁴⁸ State police powers are then passed down to the local governments through enabling statutes enacted by the state.⁴⁹ Florida is a home rule state, meaning the Florida Constitution and the Florida Statutes grant broad police powers to local governments.⁵⁰

Land use laws and zoning are examples of valid exercises of police powers. Zoning allows local governments to create and enact comprehensive land use plans and zoning, determining what can and what cannot be within certain zones within the area.⁵¹ However, zoning laws violate federal due process requirements if they are arbitrary, unreasonable, and have no “substantial relation to the public health, safety, morals, or general welfare.”⁵² Even with protections for due process, many zoning requirements often effectively ban tiny houses. Even though all of Florida’s local governments must enforce the FBC, cities and counties can still set laws for what kinds of houses are allowed within certain places, including how large those houses must be.⁵³ Minimum floor area or dwelling unit requirements, which define how big a house must be to be legal within a certain zone, can be used to keep tiny houses out of certain areas.⁵⁴ Florida courts generally have found minimum floor area requirements to be within valid zoning powers.⁵⁵

There are some areas in Florida that have adopted the FBC but have not worked tiny houses into their zoning schemes and minimum dwelling size requirements. Cape Coral, Florida, adopted the 2020 version of the

47. U.S. CONST. amend. X.

48. *Amdt. 10.3.2 State Police Power and Tenth Amendment Jurisprudence*, CONST. ANNOTATED, https://constitution.congress.gov/browse/essay/amdt10-3-2/ALDE_00013622/ [<https://perma.cc/E8FK-2VS9>] (last visited Mar. 6, 2026).

49. W. THOMAS HAWKINS, LAND USE LAW IN FLORIDA 21 (2021).

50. *Id.* at 22.

51. *Vill. of Euclid v. Amber Realty Co.*, 272 U.S. 365, 391-96 (1926). (holding that zoning regulations that rationally relate to public welfare and are not arbitrary or unreasonable are constitutional).

52. *Id.* at 395.

53. See CAPE CORAL, FLA., CODE § 4.1.3 (2025); MEXICO BEACH, FLA., CODE § 2.02.055 (2024); FLAGLER BEACH, FLA., CODE § 2.05.08.1 (2024) (all generally having large minimum square foot requirements for a home).

54. *Id.*

55. See *Miami v. Newsome*, 203 So. 2d 634, 636 (Fla. Dist. Ct. App. 1967) (discussing how residential floor areas are a valid exercise of police power); *Fox v. Bancroft Hotel Assocs., Inc.*, 128 So. 2d 771, 773 (Fla. Dist. Ct. App. 1961) (discussing how cities may determine minimum floor areas for housing and apartments).

FBC, which includes the Appendix Q definition of tiny houses.⁵⁶ However, the city's zoning schemes for residential zoning units do not incorporate the FBC's definition of a tiny house, and the codes do not reference Appendix Q. In a single-family dwelling, depending on the zone, a house needs to be a minimum of 1,000 to 1,800 square feet.⁵⁷ The smallest a house can be in the city is 500 square feet for an efficiency or 650 square feet for a single bedroom, which is still not within the FBC's definition of a tiny house.⁵⁸ Therefore, although the city adopted the version of the FBC that could allow tiny houses, Cape Coral effectively does not allow tiny houses because of the minimum square footage requirement in residential zoning districts. Similarly, Mexico Beach along Florida's northwest coast requires all single-family dwellings to be at least 700 square feet.⁵⁹ Flagler Beach, Florida, requires minimum square footage between 900 to 1,600 square feet, depending on the single-family dwelling zone.⁶⁰ Again, these areas do not allow tiny houses to legally exist within the city. Consequently, even with the FBC officially adopting a definition for tiny houses and proscribing safe building standards, cities and towns can still prohibit tiny houses through minimum square footage requirements.

In other regions that have written tiny houses into applicable codes, the minimum living area is much smaller. In Brevard County, tiny houses or tiny houses on wheels must have a minimum of 120 square feet of living space, and they cannot exceed 750 square feet.⁶¹ This is more forgiving than Appendix Q, which caps tiny houses at 400 square feet.⁶² By including tiny houses into the zoning, Brevard makes clear that tiny houses are welcome and sets forth clear standards for what comprises a tiny house.

For minimum dwelling sizes within zoning ordinances to be valid, they must bear a substantial relation to the public health, safety, morals, or general welfare of the community, and they cannot be arbitrary or unreasonable.⁶³ Local governments rationalize minimum square footage requirements in the name of health and safety of residents, among other

56. CAPE CORAL, FLA., CODE § 12.1 (2025).

57. *Id.* § 4.1.3.

58. *Id.*

59. MEXICO BEACH, FLA., CODE § 2.02.055 (2024).

60. FLAGLER BEACH, FLA., CODE § 2.05.08.1 (2025).

61. BREVARD, FLA., CODE § 62-1844 (2026).

62. FLA. BLDG. CODE, RESIDENTIAL app. Q, § 102.1 (2023).

63. *See State v. Du Bose*, 99 Fla. 812, 816 (1930) (recognizing that *Euclid v. Ambler Realty Company* is the leading case for the validity of zoning ordinances and holding that zoning ordinances must not be arbitrary and unreasonable and must have a substantial relation to the public health, safety, morals, or general welfare).

reasons.⁶⁴ For instance, in Cape Coral, where single-family housing minimum sizes range from 1,000 to 1,800 square feet, the city cites efficient use of land, convenience of traffic, regulation of density, and promotion of visual interest among reasons for the zoning schemes and regulations.⁶⁵ In Florida, the Third District Court of Appeal has acknowledged that minimum dwelling-size requirements are typically upheld as a valid exercise of the police power.⁶⁶ Although minimum business floor areas have been ruled arbitrary, unreasonable, and unrelated to health, safety, and welfare, minimum floor areas for dwellings have been ruled a valid use of police powers.⁶⁷ On the other hand, a Miami Beach ordinance determining that apartment or hotel units under 400 square feet cannot have hot plates was struck down because 400 square feet had no relation to fire hazard, sanitation, health, welfare, or morals.⁶⁸ Still, in the same case, the Third District Court of Appeal ruled that a city may determine a minimum floor area for apartments.⁶⁹ Because the standard of being not arbitrary and having a substantial relation to some governmental interest is so low, any reasonable argument can pass the standard and make a zoning law valid.⁷⁰

However, some courts outside of Florida have ruled on the legality of minimum floor areas. New Jersey's Supreme Court held in one case that minimum square footage requirements can make it impossible for low- and moderate-income housing to exist, therefore excluding some people from living within certain cities.⁷¹ This, the court held, violated substantive due process rights under the state's constitution because it was contrary to the general welfare.⁷² The Supreme Court of Connecticut also struck a minimum floor area requirement in a zoning statute because the floor area requirement was not rationally related to a legitimate

64. *Square Footage Minimums*, HOUS. AFFORDABILITY INST., <https://www.housingaffordabilityinstitute.org/events/housing-leadership-summit/square-footage-minimums/> [https://perma.cc/FP87-PNKZ] (last visited Jan. 21, 2025).

65. CAPE CORAL, FLA., CODE § 4.1.1 (2025).

66. *See generally* *Miami v. Newsome*, 203 So. 2d 636, 636 (Fla. Dist. Ct. App. 1967) (noting that minimum floor-area requirements for dwellings “have generally been held to be valid”); *Fox v. Bancroft Hotel Assocs., Inc.*, 128 So. 2d 771, 773 (Fla. Dist. Ct. App. 1961) (recognizing that a city “may determine a minimum floor area for apartments,” while striking down the ordinance at issue as arbitrary).

67. *Newsome*, 203 So. 2d at 636.

68. *Fox*, 128 So. 2d at 773.

69. *Id.*

70. HAWKINS, *supra* note 49, at 33 (2021).

71. *S. Burlington Cnty. NAACP v. Mount Laurel Twp.*, 336 A.2d 713, 724 (N.J. 1975); *see also* Emily Keable, *Building on the Tiny House Movement: A Viable Solution to Meet Affordable Housing Needs*, 11 U. ST. THOMAS J. L. & PUB. POL’Y 111, 122–23 (2017) (discussing how Mount Laurel is only followed by New Jersey, but other states have requirements that local governments consider affordable housing within zoning schemes, creating flexible zoning and density rules).

72. *Mount Laurel Twp.*, 336 A.2d at 728.

purpose outlined in Connecticut statutes such as health or safety, and there was no evidence to show any rational relation.⁷³ Because the Supreme Court of Connecticut did not find a rational relation, the Court did not discuss whether the zoning regulations deny residents due process of law under both the United States and Connecticut constitutions.⁷⁴ Similarly, the Supreme Court of Michigan struck down a minimum dwelling area requirement where the requirement was solely to conserve property values, and the Court held that property values are not a valid goal and have no relation to public health and safety or other goals set forth in the statute under which the zoning ordinance was enacted.⁷⁵ The Court did not consider whether the minimum square footage requirement went against Michigan's or the federal Constitution.⁷⁶ All of these cases, notably, have not dealt with zoning laws infringing on a federal due process right enunciated in *Euclid*⁷⁷—they exclusively have used state constitutions and statutes to evaluate whether a minimum square footage requirement for a dwelling fits within the state's police powers.

Floridian municipalities continue to prohibit tiny houses through minimum dwelling sizes, making it difficult for tiny-home owners to know which areas are tiny-house friendly and which are not. Additionally, for tiny houses on wheels, these rules can constrain where they may legally travel and choose to settle down. Minimum floor space requirements drive up the cost of housing in neighborhoods, thus increasing property taxes for local governments but also pricing out lower socio-economic classes.⁷⁸ Such zoning laws prevent efficient use of land, affordable housing, and tiny home living.⁷⁹ By including tiny houses in codes and setting what is an acceptable size, as Brevard County has done,⁸⁰ governments can still exact control over what is and is not safe in the name of public welfare while also encouraging tiny house development.

B. *Enforcing and Amending the Florida Building Code*

When municipalities and counties adopt the FBC, they may adopt certain appendices, and it is not always clear whether a government has adopted Appendix Q. Local governments also may amend the FBC to be

73. *Builders Serv. Corp. v. Planning & Zoning Com.*, 208 Conn. 267, 306 (1988).

74. *Id.*

75. *Elizabeth Lake Ests. v. Waterford Twp.*, 317 Mich. 359, 368–69 (1947).

76. *Id.* at 369.

77. *Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 391–96 (1926).

78. Katherine M. Vail, *Saving the American Dream: The Legalization of the Tiny House Movement*, 54 U. LOUISVILLE L. REV. 357, 363 (2016).

79. *Id.* at 365.

80. BREVARD COUNTY, FLA., CODE § 62-1844 (2024).

more stringent than the FBC's standards.⁸¹ The flexibility in counties and cities choosing how to adopt appendices and whether to amend the FBC creates confusion and difficulties for tiny-home owners. In the absence of any rules against tiny houses, they should be allowed; however, when local codes are not transparent, tiny-home owners face difficulties in knowing which areas will or will not allow their residences.

Sarasota County in Florida has adopted the FBC but has not included "as amended from time to time" language.⁸² Without such language, it is unclear if the county subscribes to the most recent version of the FBC. However, the county most recently adopted an amended version of the FBC in 2021, which likely means the county has adopted the most recent FBC with the option to adopt Appendix Q.⁸³ Even so, Sarasota County only addresses tiny homes and tiny houses on wheels in a definition section for mobility fees, which requires future growth to contribute to the cost of growth-necessitated transportation facilities.⁸⁴ The county includes tiny houses on wheels in the definition of "Mobile Residence" and includes tiny homes in the "Residential" definition.⁸⁵ These codes seem to support the addition of tiny houses to the county. However, the county does not openly make it clear whether Appendix Q is explicitly adopted and whether tiny houses are welcome within the county's zoning regulations outside of the fee regulations, as the codes do not reference Appendix Q. On the other hand, Alachua County, Florida, has clearly defined tiny houses by adopting Appendix Q within its ordinances.⁸⁶ By plainly including tiny houses as defined by the FBC into its own codes, Alachua County leaves no confusion for whether tiny houses are legal within the county or not.

As well as county rules that are clear or unclear on tiny house rules and the adoption of Appendix Q, cities within these counties have their own rules that tiny-home owners must consider. Within building and zoning rules, such layers can make it possible that a county is unclear or clear on its stance for tiny houses, but a city within that county has a different stance. Within Alachua County, which has adopted Appendix Q, the city of High Springs does not address tiny houses within its codes.⁸⁷ It also maintains that all one-family dwelling units must have a minimum living area of over 1,000 square feet.⁸⁸ Additionally, multi-family dwellings and accessory dwelling units must also be at least 600

81. FLA. STAT. § 553.73(4)(a)–(b) (2025).

82. SARASOTA COUNTY, FLA., CODE § 22-33(a)(1) (2024).

83. *Id.* § 22-34.

84. *Id.* § 70-501(11).

85. *Id.* § 70-504.

86. ALACHUA COUNTY, FLA., CODE § 331.03 (2024) (adopting Appendix Q).

87. HIGH SPRINGS, FLA., CODE (2024).

88. HIGH SPRINGS, FLA., CODE § 7.09.17 (2024).

square feet.⁸⁹ These laws do not allow tiny houses within the city of High Springs, despite Alachua County adopting Appendix Q and including tiny houses within its codes. With conflicting county and city laws, where one local government may allow tiny houses and the other may not, tiny-home owners need to be wary of where they look to place a tiny home on both the county and city level.

Also within Alachua County, the city of Alachua, Florida, does not refer to tiny houses in its codes.⁹⁰ Despite this, one pair of residents within the city set up tiny houses and a bustling tiny house Airbnb business.⁹¹ Still, residents have grappled with the lack of codes, having been told multiple times to shut down their business because the city considered the tiny homes to be structures, not RVs.⁹² Because city officials have no rules and regulations regarding tiny houses, city officials are trying to pigeonhole tiny houses into an existing definition, such as an RV or a structure, which then could effectively ban the tiny home.⁹³ This creates confusion for city officials and residents, as it is unclear what codes should and should not apply based on what existing definition a tiny home may fit into. This also generates unpredictability for tiny-home owners who will not know which codes do and do not apply to them. To avoid all of this, cities and counties should explicitly adopt the FBC and Appendix Q, giving tiny houses a way to exist legally under local governmental codes.

Additionally, because cities and counties can choose whether to adopt Appendix Q, not all cities and counties that have adopted Appendix Q subscribe to the Appendix Q definition of a tiny house. While Appendix Q in the FBC defines a tiny house as 400 square feet or less,⁹⁴ the city of Marianna, Florida, defines a tiny home as being 850 square feet or less and fixed on a permanent foundation.⁹⁵ The city also separately defines tiny houses on wheels as a tiny home but on wheels, making a distinction between tiny houses on foundations and wheels that FBC's Appendix Q does not.⁹⁶ While this is less stringent than the FBC, the codes also regulate that in a specific tiny home community zoning area, the tiny

89. *Id.*

90. See generally ALACHUA COUNTY, FLA., CODE (2025) (the code does not reference tiny houses).

91. Alan Festo, *Tiny Homes or Recreational Vehicles? City of Alachua Business Shut Down Over Possible Violations*, GAINESVILLE SUN (Oct. 20, 2022, at 9:32 ET), <https://www.gainesville.com/story/news/local/2022/10/19/simplify-further-tiny-home-business-alachua-closed-over-code-violations/10531691002/> [<https://perma.cc/98ML-XS8Y>].

92. *Id.*

93. *Id.*

94. FLA. BLDG. CODE, RESIDENTIAL app. Q, § AQ102 (2023).

95. MARIANNA, FLA., CODE art. IV, § 4-9.3(1) (2024).

96. *Id.*

homes can be no smaller than 200 square feet.⁹⁷ This is limiting on tiny houses, especially those on wheels that may travel between different cities and counties that only require tiny houses be 400 square feet or less as the FBC sets forth. By creating different rules and regulations than what Appendix Q sets forth, it opens some room up for creativity, but it also creates further confusion regarding how cities and counties regulate the size of a tiny home.

When cities and counties adopt building codes but do not make mention of tiny homes, it is difficult to know what zone a tiny home should belong to. Depending on if a local code considers a tiny house to be a factory built home, a manufactured home, a mobile home, an RV, a single family dwelling, or something else, these definitions will determine in which zones a tiny home can exist.⁹⁸ Without clear definitions, even if tiny homes are not explicitly disallowed by codes or minimum dwelling sizes, they still may be illegally zoned if a city or county considers a tiny home to be something other than what a tiny-home owner thinks it to be.

In sum, even with the FBC adopting a uniform standard for defining tiny houses, not all cities and counties conform to that definition. Some cities and counties simply do not include tiny houses in their codes at all, where some counties may define a tiny house and a city within that county can effectively ban tiny houses. Additionally, with the ability to amend FBC definitions of a tiny house, not all of Florida has a uniform standard for defining a tiny house. This further complicates where tiny houses are allowed in the state and in what zones they may exist.

C. Zoning for Lot Sizes, Density Limits, and Subdivision

Another issue tiny-home owners may face in different counties and cities is rules mandating minimum lot sizes for homes. Because tiny houses are so small, they may not need a lot as big as the mandatory minimum, and this can hinder the effective use of land and even make some counties or cities too expensive for tiny houses to exist. Minimum lot sizes may force people to buy more land than they need, which limits population density, encourages sprawl, and drives up housing prices.⁹⁹

In some areas, a minimum lot size was created to slow or entirely exclude blue-collar families from buying modest homes on small lots and

97. MARIANNA, FLA., CODE § 4-10.3(2)(a) (2024).

98. Romy Sandoval, *Shifting Tiny: The Environmental and Economic Benefits of Zoning Reform for Tiny Dwellings*, 13 ARIZ. J. ENV'T. L. & POL'Y 134, 143–44 (2022) (explaining Prima County, Arizona's zoning laws and how different definitions of tiny house on foundation or tiny house on wheels makes it so tiny houses are only allowed in specific zones).

99. Adam A. Millsap, *Minimum-Lot-Size Regulations Mean Less Housing*, FORBES (May 8, 2019, 09:27 ET), <https://www.forbes.com/sites/adammillsap/2019/05/08/minimum-lot-size-regulations-mean-less-housing/> [https://perma.cc/57YQ-ALRE].

paying low property taxes.¹⁰⁰ Although minimum lot sizes were also meant to preserve open spaces and community character, they adversely affected housing affordability and assisted exclusionary objectives.¹⁰¹ Some courts have held that minimum lot sizes can be unconstitutional when there is no sufficient justification behind large lot sizes, as lot sizes are still part of zoning law and still must promote health, safety, welfare, or other valid reasons.¹⁰² Still, as zoning laws need only rationally relate to public welfare and cannot be arbitrary or unreasonable to be a valid form of police power, there is a very low standard to justify minimum lot sizes.¹⁰³ In Florida, there are few occasions where zoning restrictions were ruled to be outside of the state's police powers and stricken down, such as with reverse spot zoning cases, which enforce long-ago zoning restrictions on residents.¹⁰⁴ The Florida Supreme Court has upheld city codes calling for minimum lot sizes, holding that when these minimum sizes are not unreasonable, they fall squarely within a local government's police powers.¹⁰⁵ Based on this, many cities and counties in Florida implement minimum lot sizes into zoning schemes.

For example, Alachua County's minimum lot sizes depend on the applicable zone. Tiny houses are defined as single dwelling units by the county.¹⁰⁶ If tiny houses are single family housing, the maximum number of houses in the single family, medium density zone can be eight houses per acre.¹⁰⁷ If tiny houses are in other zones with less density, there must be even less houses per acre.¹⁰⁸ Even in the single family, medium density zone, a maximum of eight houses per acre leaves over 40,000 unused

100. Charles Gardner, *Cutting Zoning Down to Size: Reevaluating the Legal Vulnerability of Urban Minimum Lot Sizes*, 61 S.D. L. REV. 231, 238 (2024).

101. *Id.* at 244.

102. See Nat'l Land & Inv. Co. v. Easttown Twp. Bd. of Adjustment, 215 A.2d 597, 612–13 (Pa. 1965) (holding that a minimum of four acres per home in residential zoning is unconstitutional because the minimum lot size was designed to be exclusionary and did not promote general welfare); see also Gardner, *supra* note 100, at 252–53 (discussing cases out of Virginia and Michigan which struck down lot size requirements that were not related to public health, safety, or welfare).

103. *Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 391–96 (1926) (holding that zoning regulations that rationally relate to public welfare and are not arbitrary or unreasonable are constitutional).

104. *City Comm'n of Miami v. Woodlawn Park Cemetery Co.*, 553 So. 2d 1227, 1231 (Fla. Dist. Ct. App. 1989) (holding reverse spot zoning, “where the governing authority persists in enforcing a long-ago imposed zoning restriction against a property owner,” to be an unconstitutional use of zoning police power).

105. *Garvin v. Baker*, 59 So. 2d 360, 364–65 (Fla. 1952) (“The size of lots upon which a one-family, two-family, or four-family, building may be erected is a subject for police regulation and when not unreasonable, such regulations do not deprive a person of his property without due process of law.”).

106. ALACHUA COUNTY, FLA., CODE § 331.03 (2024).

107. ALACHUA COUNTY, FLA., CODE § 403.07(a) (2024).

108. *Id.* at tbl. 403.07.1.

square footage (not including setbacks), as tiny houses in Alachua County should be 400 square feet or less to comport with Appendix Q.¹⁰⁹ While some may enjoy the ample space around their home, it also creates an issue of inefficient land use that could be taken up by more tiny houses or other uses for the land. In multi-family residential districts, depending on the zone, there can be a maximum of twenty-four units per acre.¹¹⁰ Still, with twenty-four houses each being 400 square feet and not including setbacks, this leaves over 33,000 square footage not in use. These zoning regulations applied to tiny houses leave enough land to comfortably fit double or more tiny houses, which leads to inefficient land use.

However, cities within Alachua County may take different approaches to minimum lot sizes. The city of Gainesville recently made the minimum lot size for single-family districts 3,000 square feet.¹¹¹ Before, the city permitted only 3.5 to 8 units per acre; now, the new zoning permits 12 units per acre.¹¹² This increases the density of tiny houses or other housing, which also increases affordability, as less land needs to be purchased for the home to sit on. The complexity and difference between county and city rules means that tiny-home owners should consider all levels of state and local government when determining which area to live in and what minimum lot sizes exist.

Meanwhile, when other cities in Florida create specific zoning schemes and smaller minimum lot sizes for tiny houses, more inefficiencies are cured. In the city of Marianna, Florida, the city codes specifically set out zoning regulations for tiny home communities.¹¹³ In these tiny home communities, the lot size for the first two tiny houses must be 8,000 square feet, and there needs to be an additional 2,500 square feet for each additional tiny house.¹¹⁴ By specifically designating tiny house lot sizes, setbacks, and density within its codes, Marianna eliminates inefficiencies that other cities and counties may experience, and the city makes tiny house living more affordable.

Like Marianna, Brevard County in Florida has specific tiny house rules. The county has a tiny house planned unit development section in its codes, which sets aside normal standards for lot size, bulk or type of dwellings, density, and other requirements to allow ease of tiny home

109. ALACHUA COUNTY, FLA., CODE § 331.03 (2024).

110. ALACHUA COUNTY, FLA., CODE § 403.08 tbl. 403.09.1(2024).

111. Jennifer Cabrera, *Gainesville City Commission Passes Minimum Lot Size Ordinance with Compromise on Maximum Primary Residence Size*, ALACHUA CHRON. (Oct. 3, 2024), <https://alachuachronicle.com/gainesville-city-commission-passes-minimum-lot-size-ordinance-with-compromise-on-maximum-primary-residence-size/> [https://perma.cc/2WBL-S76H].

112. *Id.*

113. MARIANNA, FLA., CODE § 4-10.5 (2024).

114. MARIANNA, FLA., CODE § 4-10.5(f) (2024).

building and tiny home communities.¹¹⁵ Those who want to set aside these zoning classifications must submit a proposal to Brevard's Board of County Commissioners, who will approve any proposal that is in the best interest of public welfare and safety.¹¹⁶ In reviewing the plan for the tiny house planned unit development, the planning and zoning board must consider the compatibility of the tiny house community with surrounding neighborhoods, prevention of erosion, the availability and adequacy of water and sewer service, the availability of streets, and many other factors.¹¹⁷ This gives massive flexibility to the local government and overcomes some of the main hindrances to tiny houses, like lot sizes and density. While giving too much discretion could lead to a substantive due process issue because of a lack of standards, Brevard County's clear standards for creating a tiny house planned unit development ensures fairness in the process while also incentivizing new development for tiny homes.¹¹⁸ Already, Brevard County has a thriving tiny house community stemming from these laws.¹¹⁹ Developers of tiny house communities can get creative with how the communities should look and how dense they can be without having to consider "normal" zoning regulations.

To increase the efficient use of land, tiny-home owners could look to subdivide plots of land. Subdivision requires splitting existing plots of land into two or more plots, allowing more residential uses.¹²⁰ By subdividing larger plots of land into smaller ones, more tiny houses can efficiently exist. However, subdivision rules vary by city and county, and they may require more construction, which increases the cost. For instance, Alachua County requires that no subdivision can be created without paved road access, and the roads must meet county standards.¹²¹ However, the county specifically makes subdivision exceptions for cottage homes and cottage neighborhoods, which allow four to fifteen homes within a minimum of two acres, and each home cannot exceed 1,400 square feet.¹²² The cottage neighborhoods allow for houses to be around a common green, share buildings, and access a paved, public street.¹²³ This allows for the development of tiny home neighborhoods,

115. BREVARD COUNTY, FLA., CODE § 62-1472(a) (2024).

116. BREVARD COUNTY, FLA., CODE § 62-1473 (2024).

117. BREVARD COUNTY, FLA., CODE § 62-1477(b)(5) (2024).

118. *See ABC Liquors v. Ocala*, 366 So. 2d 146 (Fla. Dist. Ct. App. 1979) (holding an ordinance void because it lacked standards to guide the mayor and city council in making their decision, giving too much discretion to the city and violating constitutionality).

119. *See Who We Are*, BRAVEHEART PROPERTIES, <https://braveheartproperties.org/who-we-are/> [https://perma.cc/GB2B-7552] (last visited Mar. 6, 2026).

120. 13 POWELL ON REAL PROPERTY § 79D.03(4) (2026).

121. ALACHUA COUNTY, FLA., CODE § 407.73(d) (2024).

122. ALACHUA COUNTY, FLA., CODE § 407.154 (2024).

123. *Id.*

which can share land or be individually platted.¹²⁴ The cottage rules in Alachua County are less restrictive than the usual rules requiring paved, county approved road access for each lot, and it allows tiny houses to front a common green space, aiding the development of more tiny house neighborhoods.

However, not all Florida counties allow such subdivision or planning on a single lot. Pasco County, Florida, requires all subdivisions to meet or exceed the minimum area required, depending on the zone.¹²⁵ Additionally, each residential lot needs to have a minimum frontage along the access street right-of-way or easement line of twenty-five feet,¹²⁶ which does not allow for the cottage style frontage around a green space that Alachua County allows. The minimum lot sizes vary based on the zone in Pasco County, however, for a single-family and mobile home district, lots must be at least 20,000 square feet with a maximum density of 2.2 dwellings per acre.¹²⁷ In the high density residential district, lots must be at least 6,000 square feet with a maximum density of 7.3 units per acre.¹²⁸ Therefore, depending on the zoning, the land use in Pasco County can be just as dense as the land use in a cottage style tiny home neighborhood in Alachua County, as both would allow for fourteen units on two acres. However, Alachua County gives tiny house neighborhoods more leeway in roads, frontage, and even allowing shared greenspaces and buildings.

The demand for affordable housing in Florida is rising, as well as the demand to live in Florida generally.¹²⁹ Low density housing development continues to increase the sprawl of housing in the state.¹³⁰ Tiny housing development that focuses on density rather than large minimum lot sizes can be a solution for affordable housing and decreasing urban sprawl. Large minimum lot sizes effectively defeat the purpose of tiny house living, as the houses would only use a small percentage of the land, and the large minimum lot sizes make tiny house living unaffordable and inefficient.¹³¹ Cities and counties in Florida, such as the city of Marianna and Brevard County, have solutions, such as creating tiny house zoning schemes or allowing for tiny house communities separate from the usual

124. *Id.*

125. PASCO COUNTY, FLA., § 700.7(a) (2025).

126. PASCO COUNTY, FLA., § 700.7(c) (2025).

127. PASCO COUNTY, FLA., § 512.5 (2025).

128. PASCO COUNTY, FLA., § 517.5 (2025).

129. Dave Walsh, *Florida's Top Affordable Housing Issues*, J.P. MORGAN (Aug. 23, 2024), <https://www.jpmorgan.com/insights/real-estate/community-development-banking/floridas-affordable-housing-crisis> [https://perma.cc/2TN4-QEFC].

130. Jocelyn Kreider, *Tell Me About: Urban Sprawl in Florida*, FLA. MUSEUM (Apr. 18, 2022), <https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-urban-sprawl-in-florida/> [https://perma.cc/5UPN-2DW4].

131. Trambley, *supra* note 18, at 944.

zoning regulations. These schemes encourage development, can increase affordable housing, and make efficient use of existing land.

D. Minimum Building Requirements

All residential homes in the state of Florida must follow the FBC.¹³² The same goes for tiny homes—the Appendix Q creates an exception relaxing many standards, such as ceiling heights, handrails, and compact stairs, making it easier for tiny homes to be tiny.¹³³ Importantly, Appendix Q also has language specific to dimensions of, access to, and egress from habitable lofts in tiny homes, which have previously been difficult to comply with in the regular residential codes.¹³⁴

However, should a tiny-home owner want to build a tiny house over 400 square feet, or outside of what Appendix Q defines as a tiny home, the home will be subject to regular Residential FBC regulations because it would no longer fall into the Appendix Q exception. Because tiny houses can range in sizes up to 500 square feet or more,¹³⁵ some tiny houses must follow industry standards for a traditionally sized home, which can make building difficult. Therefore, tiny-home owners need to be careful to stay within 400 square feet for the Appendix Q exceptions to apply to their home, or research how their local laws define tiny homes by size. Certain cities that allow tiny homes to stray outside of 400 square feet, such as Brevard County allowing up to 750 square feet,¹³⁶ need to consider which building code rules apply when a tiny house is built over 400 square feet. Additionally, because houses in the FBC must be on foundations,¹³⁷ it can be difficult or impossible to build a tiny home over 400 square feet without specific codes from cities or counties, as those houses would not fit within Appendix Q.

FBC's Appendix Q gives applicable infrastructure requirements for tiny homes, including dimensions, stairways, width, ladders, and headroom.¹³⁸ When counties and cities clearly adopt Appendix Q into their own codes, it is clear how tiny-home owners need to build for the minimum safety requirements. However, counties and cities do not always clearly mention how tiny homes fit within their regulations.¹³⁹ If a city or county has specific infrastructure or building code requirements

132. FLA. STAT. § 553.355 (2025) (noting that the FBC lays out the minimum construction requirements for all buildings in the state).

133. CHARLIE WING, *THE TINY HOUSE HANDBOOK* 13 (2021).

134. Paul Lagasse, *The International Residential Code Has a Big Vision for Tiny Houses*, BLDG. SAFETY J. (Feb. 24, 2018), <https://www.iccsafe.org/building-safety-journal/bsj-hits/the-international-residential-code-has-a-big-vision-for-tiny-houses/> [<https://perma.cc/22WQ-QV27>].

135. Alterman, *supra* note 5.

136. BREVARD COUNTY, FLA., CODE § 62-1844 (2024).

137. FLA. BLDG. CODE, RESIDENTIAL ch. 4 (2023).

138. FLA. BLDG. CODE, RESIDENTIAL app. Q (2023).

139. See *supra* Part II; FLA. STAT. § 553.73(4)(a)–(b) (2025).

that are not feasible for tiny homes, it can make tiny homes difficult or impossible to own.

Additionally, counties and towns can also regulate as they see fit. St. Petersburg County gives building officials some wiggle room to further regulate codes even if not explicitly mentioned in the county's codes. This could include regulating tiny houses. The code states that the "Building Official may impose any additional requirements necessary for the strength, stability, safety or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically required by this or the other technical codes."¹⁴⁰ Such codes that leave much discretion to building officials in the name of public safety and welfare can be used in any way, including for or against tiny houses.

E. Comparing Florida to Georgia: A Case Study of Calhoun, Georgia

Other states that have adopted the International Residential Code's definition of a tiny house in Appendix Q also face difficulties in local laws like zoning and amending the definition of a tiny house. In one city in Georgia, one lawsuit paints a picture of why Appendix Q is not the end-all solution to legalizing tiny houses.

In the city of Calhoun, Georgia, a woman named Cindy Tucker began a business of creating tiny homes between 540 to 600 square feet each to help with affordable homeownership.¹⁴¹ However, Calhoun has minimum floor area requirements of 1,150 square feet for single-family homes,¹⁴² which has effectively banned Ms. Tucker's homes. This minimum floor area is also the smallest in the city of Calhoun, as other areas require even larger minimum floor areas, going up to 1,800 square feet.¹⁴³ As well as a minimum floor area, the maximum density in Calhoun allows for only three homes per acre.¹⁴⁴ If Ms. Tucker places three tiny homes every 600 square feet on one acre, this leaves over ninety-five percent of the land unoccupied and is a significant waste of space and resources.

Both Gordon County,¹⁴⁵ where Calhoun is situated, and the city of Calhoun have adopted the International Residential Code,¹⁴⁶ which should include Appendix Q or the option to adopt Appendix Q. Calhoun

140. ST. PETERSBURG, FLA., CODE § 8-36(b)(3)(g) (2024).

141. *Georgia Tiny Homes*, INST. FOR JUST., <https://ij.org/case/georgia-tiny-homes/> [NEEDS PERMALINK] (last visited Mar. 7, 2026).

142. CALHOUN, GA., CODE § 7.3.3 (2024).

143. CALHOUN, GA., CODE § 7.1.3 (2024).

144. CALHOUN, GA., CODE § 7.3.3 (2024).

145. GORDON, GA., CODE § 4-26 (2023).

146. CALHOUN, GA., CODE § 18-31(1)(b) (2024).

has adopted the International Residence Code with Georgia Amendments, which amend some of Appendix Q. For instance, the maximum ceiling height in a loft can be five feet,¹⁴⁷ whereas Florida and the International Building Code require ceiling heights in lofts to be at least six feet and eight inches.¹⁴⁸ However, even with the state-wide adoption of Appendix Q, neither the county nor the city makes any reference to tiny houses or Appendix Q. This is another example where local governments do not clearly state what is and is not allowed in their jurisdiction, and a prominent example of how cities and counties have not amended their zoning schemes to include tiny houses.

The Institute for Justice (IJ) initiated a lawsuit against the city of Calhoun, arguing that the minimum floor requirement violates the Georgia Constitution.¹⁴⁹ In the complaint, the IJ discussed how Ms. Tucker applied for a variance to build her tiny homes.¹⁵⁰ Ultimately, the variance was denied because of concerns about lower-income people moving into the tiny homes, criminal activity, lower property prices, littering, and “riff raff.”¹⁵¹ Such concerns are historically why minimum dwelling area requirements were put into place, but these minimum requirements continue to exacerbate issues of affordability and exclusionary zoning tactics.¹⁵² Notably, these concerns may not have a substantial relation to the public health, safety, morals, or general welfare.¹⁵³

In the IJ’s complaint, they addressed the fact that people in Georgia and across the United States live in houses or apartments smaller than the ones Ms. Tucker proposes to build.¹⁵⁴ Calhoun’s minimum floor area requirement does not have a substantial relationship to public health, safety, or general welfare of city residents, IJ argued.¹⁵⁵ Cities may cite traffic and density as reasons behind a zoning law, but in Calhoun, the size of a home does not change the size of a lot on which it must be built; thus, the same number of homes would be built just on a smaller scale,

147. GA. COMP. R. & REGS. app. Q (2024).

148. Fla. Building Code, Residential app. Q, § AQ103.1.

149. Phillip Suderman, *Victory! Court Rules in Favor of Georgia Nonprofit’s Challenge Against Calhoun’s Ban on Building Small Homes*, INST. FOR JUST. (Aug. 7, 2025), <https://ij.org/press-release/victory-court-rules-in-favor-of-georgia-nonprofits-challenge-against-calhouns-ban-on-building-small-homes/> [https://perma.cc/R6MZ-34SK].

150. Compl. Declaratory J., Injunctive Relief, Att’y’s Fees and Pet. Writ Cert. at 12, *Tiny House Hand Up, Inc. v. City of Calhoun*, No. A23I0011 (Ga. Super. Ct. Gordon Cnty Oct. 2021) [hereinafter *Complaint*].

151. *Id.* at 13.

152. *See supra* Part II.C.

153. *See supra* text accompanying notes 99–104.

154. *Complaint, supra* note 150, at 15.

155. *Complaint, supra* note 150, at 15–16.

and the ban on smaller homes will not affect traffic.¹⁵⁶ Additionally, a city's potential concerns about aesthetics may be illegitimate, as newly constructed tiny homes can be beautiful, whereas traditional houses can be ugly.¹⁵⁷ If cities are concerned about property values, not only is there no correlation between tiny houses lowering property values because they can be just as desirable and beautiful as traditional homes,¹⁵⁸ but also some courts have struck down zoning laws drafted specifically to keep property values up.¹⁵⁹

The exclusion of lower income people from owning homes is an illegitimate use of zoning rules.¹⁶⁰ Thus, while zoning is within the police power of the state, there must be some rational relation to public welfare.¹⁶¹ The IJ, along with other courts and critics of minimum floor areas, argues that there is no benefit to public welfare.¹⁶²

On September 11, 2025, the Superior Court of Gordon County, Georgia, ruled in favor of tiny houses.¹⁶³ The court held that the city of Calhoun could not apply the minimum floor areas to the tiny houses because the government misrepresented the requirements of the zoning districts, which was detrimental to the Plaintiff, and thus led to a holding of estoppel against the city from applying the minimum floor areas.¹⁶⁴ Although the court did not rule on whether the zoning laws were substantially related to the general welfare, further lawsuits like the IJ's can lead to more courts disavowing minimum floor area requirements, a major hurdle in the way of tiny houses. Local governments in Florida should look to current and pending suits such as this one in their neighboring state and consider whether minimum floor areas serve a rational purpose to support general welfare.

156. Complaint, *supra* note 150, at 15–16.

157. Complaint, *supra* note 150, at 16; *see also* Leigh Crandall & Jennifer Kopf, 87 *Tiny Houses That'll Have You Trying to Move in ASAP*, COUNTRY LIVING (Oct. 28, 2024), <https://www.countryliving.com/home-design/g1887/tiny-house/> [<https://perma.cc/PX5U-2TZX>] (showing many examples of beautiful tiny houses).

158. Complaint, *supra* note 150, at 16.

159. *Elizabeth Lake Ests. v. Waterford Twp.*, 317 Mich. 359, 369 (1947).

160. *See Rumson Ests., Inc. v. Mayor of Fair Haven*, 795 A.2d 290, 293 (N.J. Super. Ct. App. Div. 2002) (holding local governments must show a proper purpose is being served through zoning that can exclude lower-income families).

161. *Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 395 (1926) (holding that zoning regulations that rationally relate to public welfare and are not arbitrary or unreasonable are constitutional).

162. Order Granting Summary Judgment at 7, *Tiny House Hand Up, Inc. v. City of Calhoun*, No. 21-CV-71784 (Ga. Super. Ct. Gordon Cnty. Sep. 11, 2025).

163. *Id.* at 6.

164. *Id.*

III. SOLUTIONS & CONCLUSION

Tiny houses continue to increase in popularity.¹⁶⁵ They are used as solutions to create affordable housing, allowing people to buy their first homes in tough economies, and can even be used as transitory housing for the homeless¹⁶⁶ or those recently let out of prison.¹⁶⁷ Tiny houses are also a way to expand overall homeownership rates, as more people can outright own a tiny home than a traditional home.¹⁶⁸ To continue to support tiny houses in the future, local governments need to re-evaluate their existing codes to fit tiny houses into the picture. The biggest barriers to tiny houses legally existing include minimum square footage requirements, unclear codes, amended Appendix Q codes, large minimum lot size requirements, limits on density, and building code issues. Although tiny-home owners currently use many different ways to get around some of these hurdles, such as ADUs or RVs, it can be difficult and unclear to determine what places are and are not tiny-friendly, creating unnecessary stress and confusion.

For instance, one loophole tiny-home owners exploit is qualifying a tiny house on wheels as an RV for purposes of zoning and state laws,¹⁶⁹ allowing them to fit neatly into existing codes. While this may provide a sense of security because a tiny home can comply with existing RV rules,¹⁷⁰ tiny houses qualified as RVs are not welcome in every locality. Walton County, Florida, does not allow permanent residence in an RV,

165. Abby Drexler & Lori Zaino, *Tiny Home Statistics*, TODAY'S HOMEOWNER (Mar. 25, 2025), <https://todayshomeowner.com/eco-friendly/guides/tiny-home-statistics-and-facts/> [<https://perma.cc/4Y26-WY4G>]; see also *Survey Reveals America's Ideal Tiny Home and Tiny Office*, IPX1031, <https://www.ipx1031.com/america-ideal-tiny-home-tiny-office/> [<https://perma.cc/HQH9-NYKH>] (last visited Mar. 6, 2026) (showing a survey in which 86% of respondents said they would consider buying a tiny home for their first house).

166. Giles Bruce, *Tiny Homes, Big Dreams: How Some Activists Are Reimagining Shelter for the Homeless*, NPR (Feb. 6, 2022, at 06:01 ET), <https://www.npr.org/sections/health-shots/2022/02/06/1077791467/tiny-homes-big-dreams-how-some-activists-are-reimagining-shelter-for-the-homeless> [<https://perma.cc/6RJ2-X2YU>] (discussing how tiny houses can be transitory, private homes for homeless individuals).

167. Sydney McCoy, "I Didn't Know That Challenge I Was Going to Face.": Farm for Formerly Incarcerated Women Looks to Add Tiny Homes, SPECTRUM NEWS 1 (Mar. 25, 2024, at 16:30 ET), <https://spectrumlocalnews.com/nc/charlotte/news/2024/03/25/benevolence-farm-women-incarceration-> [<https://perma.cc/USY3-SRPL>] (discussing how tiny houses can be temporary homes for those recently released from prison).

168. Drexler & Zaino, *supra* note 165.

169. McGlone, *supra* note 33 (noting multiple instances of cities categorizing tiny houses as RVs or RVs being considered tiny houses, leading to confusion among tiny-home owners).

170. FLA. STAT. § 320.8231 (2024). Rather than following the FBC and Appendix Q for tiny homes, most RVs and towable park trailers in Florida must conform to the Uniform Standards Code ANSI book A-119.2 or A-119.5, approved by the American National Standards Institute. *Id.* These standards lay out the plumbing, heating, electrical systems, fire, and life safety requirements in RVs and towable trailers. *Id.*

except while living in recreational vehicle parks.¹⁷¹ Similarly, Miami-Dade County does not allow RVs to be slept in or lived in while parked on property.¹⁷² This does not allow a tiny-home owner who defines their tiny home as an RV to own a piece of land and park their tiny home on it, which can be a constraint for those looking for a permanent piece of land. Therefore, while this can be a temporary solution for some, it is not a permanent solution for all, and it demonstrates the need for cities and counties to specifically address tiny houses in land use plans and ordinances.

As Florida continues to grow in population, more affordable and generally less expensive housing will be needed to support its growing population. While tiny houses may serve a niche audience, they are an affordable, comfortable, and safe way to house people. Cities and counties should reflect this change in the housing market in their zoning codes so as not to stunt the economic growth and innovation that can come from tiny houses.

A. *States and Cities Should Adopt Appendix Q*

The International Residential Code's definition and requirements for tiny houses, as set forth in Appendix Q and adopted in the FBC, is one major step to creating a uniform definition and set of minimum building codes for tiny homes.¹⁷³ Because local governments in Florida may adopt the appendices, all cities and counties have a starting point for what a tiny house is and what regulates a tiny house. However, Appendix Q is not the end-all solution to tiny houses, as local governments can amend the codes to be more restrictive, and zoning laws still complicate where tiny houses can be built and how they can be built. Local governments should strive to clearly adopt Appendix Q in its codes and mention tiny houses, making tiny-home owners aware that the county does or does not conform to Appendix Q. Additionally, local government leaders should consider the implications of amending Appendix Q, such as whether making it stricter will hinder tiny houses from traveling into their area, or how making it broader will keep local tiny houses from being accepted as tiny houses in other areas. Keeping the definition of tiny homes uniform throughout the state would reduce confusion and give tiny-home owners a clear building code applicable in every city and county. However, making certain amendments to make the code broader, such as in Brevard County or the city of Marrienne, can lead to creative homes with lots of wiggle room on how to design and build one's home, and tiny home communities thrive in these areas. Additionally, when considering

171. WALTON COUNTY, FLA., CODE § 2.02.00(P) (2024).

172. MIAMI-DADE COUNTY, FLA., CODE § 33-20(f)(7) (2024).

173. FLA. BLDG. CODE, RESIDENTIAL app. Q (2023).

tiny homes on wheels, uniform laws throughout the state will ensure tiny homes can travel freely without fear of breaking the code in one city or county. The International Code Council and the Tiny Home Industry Association published model legislation clarifying that Appendix Q applies to both tiny houses on foundations and wheels, which can be embedded into the adoption laws of Appendix Q for further clarity.¹⁷⁴ By adopting legislation that clarifies what a tiny house is and is not, as well as what rules apply to tiny houses, local governments can further support tiny houses and clear up confusion for tiny-home owners.

Although there are some ways tiny homes can fit within current zoning, both RVs and ADUs are not ideal because of the confusion created for owners and local governments. They can impose new regulations on top of or instead of FBC's Appendix Q, and they can be constraining on both creativity and freedom. Some local governments may pigeonhole tiny homes into these existing categories, diminishing the original idea of a tiny home.¹⁷⁵ Therefore, tiny homes should be embraced as their own idea, separate from existing zoning codes. The best way to support tiny homes is to specifically include them in zoning codes, recognizing definitions and standards set by Appendix Q.

B. Zoning Codes Need to Change

In the end, cities and counties would greatly aid tiny-home owners if zoning codes allowed for new and popular housing ideas. Zoning dates back to the 1900s, when the main goal was to improve public health and housing by keeping commercial and industrial land uses away from residential areas.¹⁷⁶ Zoning also used to be much simpler, with only a few classes of use districts and much more land use diversity.¹⁷⁷ Today, zoning is chaotic and more complicated,¹⁷⁸ leaving tiny-home owners to navigate difficult and complicated laws to simply live modest lives. By amending zoning codes to eliminate minimum floor area requirements and specifically include tiny houses, cities and counties can provide clarity for tiny-home owners and create more spaces for creative, affordable living.

174. Alexis Stephens, *Movable Tiny Homes May Be Built in Compliance with the International Residential Code*, TINY HOME INDUS. ASS'N, <https://tinyhomeindustryassociation.org/movable-tiny-homes-may-be-built-in-compliance-with-the-international-residential-code/> [https://perma.cc/53J5-5XTG] (last visited Jan. 23, 2025).

175. Festo, *supra* note 91 (showing how some city officials and tiny-home owners may not agree on how tiny homes fit into current zoning codes, causing controversy and confusion).

176. Emily Talen, *Zoning and Diversity in Historical Perspective*, 11 J. PLAN. HIST. 330, 333 (2012).

177. *Id.* at 338–39.

178. *Id.* at 343.

Cities and counties should write tiny houses into their zoning schemes to eliminate any confusion. In doing so, local laws should be explicit in whether a tiny home is a single-family home or something else, like an RV or mobile home, and whether tiny houses can be on a foundation, on wheels, or either.¹⁷⁹ Additionally, tiny houses need to be included in typical zoning charts and designations, letting tiny-home owners know where they may be and what specific rules apply to them.¹⁸⁰ In doing so, cities should consider smaller minimum square footage for houses and minimum lot sizes.¹⁸¹ Brevard County, Florida, is an example of a county that has effectively and successfully included tiny houses into its codes, leading to a flourishing tiny home community.¹⁸² Similarly, the city of Marianna, Florida, creates specific zoning designations for tiny home communities and has specifically defined tiny houses on wheels and on foundations, giving great clarity to tiny-home owners and setting the stage for other local governments to also include tiny houses into local codes.¹⁸³

Additionally, minimum floor area requirements are a major hindrance to tiny homes. Some state courts have already held that minimum floor area requirements make it nearly impossible to make affordable housing, and even that minimum requirements are not rationally related to a legitimate purpose, such as health or safety.¹⁸⁴ As such, minimum requirements for floor area, which artificially drive up the cost of housing, should be eliminated to make room for more efficient and creative housing.

CONCLUSION

By including tiny homes in zoning, tiny home villages that are both affordable and aesthetically pleasing can grow.¹⁸⁵ From Orlando, Florida, to Detroit, Michigan, tiny house communities are gaining popularity around the nation.¹⁸⁶ Zoning codes should change with the times, as codes

179. Olympia Bowker, *Adorable as Affordable?: The Zoning Challenge of Tiny Houses*, 63 BOS. BAR J. 20, 21 (2019) (proposing municipalities write tiny house codes into zoning schemes and explicitly include them to avoid confusion and to clearly include them).

180. *Id.* (discussing considerations for tiny house codes).

181. *Id.* (discussing the unique aspects that apply to tiny houses, such as reduced square footage size and location on a lot).

182. BREVARD, FLA., CODE § 62-1844 (2024); BRAVEHEART PROPERTIES, <https://braveheartproperties.org/> [<https://perma.cc/H47D-6AAF>] (last visited Mar. 6, 2025) (highlighting a tiny home community in Florida).

183. MARIANNA, FLA., CODE § 4-10.5 (2024).

184. *See supra* Part II.A.

185. Tony Carrick, *15 Tiny House Communities That Are as Efficient as They Are Charming*, BOB VILA (Aug. 5, 2022, at 21:55 ET), <https://www.bobvila.com/articles/tiny-house-communities/> [<https://perma.cc/AWC9-938E>].

186. *Id.*

originally promulgated in the 1900s cannot possibly reflect the current needs and wants of communities today.¹⁸⁷ Many houses today are built to be the same size on lots that are the same size in neighborhoods that all look the same.¹⁸⁸ Not all homeowners want this lifestyle, and they may choose a house that is different from the norm in size and in style for reasons such as creativity, affordability, sustainability, and other factors.¹⁸⁹ Tiny houses are also a way to efficiently use land, helping to curb modern issues like urban sprawl with more dense and walkable cities.¹⁹⁰ As tiny houses continue to grow in popularity,¹⁹¹ it is incumbent upon cities and counties to embrace, rather than ignore, this new way of life for many people.

187. Jonathan Barnett, *How Codes Shaped Development in the United States, and Why They Should be Changed*, in URBAN CODING AND PLANNING 202, 211 (Stephen Marshall ed., 2011).

188. *Id.* at 213–14.

189. *See supra* Part I.B.

190. Trambley, *supra* note 18.

191. Drexler & Zaino, *supra* note 165.