

GROUP 2, ITEM 3

ACCESSORY APARTMENTS AND ACCESSORY DWELLING UNITS

AMENDMENT SUMMARY

- Issue: Current LDC regulations governing AAs/ADUs are ambiguous, leading to difficulty in administration and uncertainty for property owners.
- Solution: Amend regulations governing AA/ADUs to clarify ambiguous provisions and eliminate conflicts between regulations.
- Outcome: Clarifies and streamlines regulations to facilitate ease of administration and greater regulatory certainty.

Sec. 34-2. Definitions.

Staff Note: amend definition of “accessory apartment” to codify existing DCD staff practice requiring accessory apartments, which are not subject to density limitation, to have at least one doorway interconnection with primary residence. The definition for Accessory Dwelling Unit is included below for context and remains unchanged.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory apartment means a living unit, without cooking facilities, which is subordinate and attached to a single-family residence with at least one common adjoining interior door and could be made available for rent or lease.

Accessory dwelling unit means a living unit subordinate to a single-family home which is either attached with cooking facilities, or detached with or without cooking facilities, and could be made available for rent or lease.

Remainder of section remains unchanged.

Sec. 34-1177. Accessory apartments and accessory dwelling units.

Staff Note: Amend Section 34-1177 to (1) clarify the living area and nonliving area in multipurpose spaces, such as a ground level garage with upper story ADU/AA living area, capping the living area of the AA/ADU living unit and relying on general accessory use regulations to limit to overall size of the accessory building; (2) provide a 20 percent increase in the maximum ADU/AA living area while maintaining that the unit is subordinate to the principal single-family residence. This increase is due to design constraints observed by staff in the years following inception of these regulations, particularly borne on midrange to small single-family residences (1,600 square feet and less); and (3) strike subsection (3), lot coverage requirement, as the regulation is a restatement of an existing regulation. Any development that increases lot coverage above the maximum permissible in the zoning district is inconsistent with the districts established maximum lot coverage requirements.

(a) *Density.*

- (1) An accessory apartment is not subject to density provisions of the Lee Plan, except accessory apartments on Gasparilla Island are subject to the provisions of Section 34-2255.
- (2) An accessory dwelling unit is subject to density provisions of the Lee Plan. Density may be calculated using the maximum total (bonus) density of the property's future land use category designation. Accessory dwelling units are presumed to be site-built affordable housing units and must pay applicable impact fees pursuant to Chapter 2.

- (3) A maximum of one accessory apartment or one accessory dwelling unit is permitted per principal, single-family residence, except as excluded by section 34-1180(b).
- (b) *Development standards.*
 - (1) *Off-street parking.* In addition to the requirements of Section 34-2020(a), one additional space is required. All required parking must be provided on the site.
 - (2) *Maximum floor area.* The maximum ~~floor area~~ living area for the accessory apartment or accessory dwelling unit is ~~50~~ 60 percent of the living area of the principal, single-family residence.
 - ~~(3) *Maximum lot coverage.* The maximum lot coverage permitted for the zoning district in which the property is located may not be exceeded.~~
 - (3) *Nonliving areas.* Nonliving areas are excluded from accessory apartment or accessory dwelling unit computations (see "living area" Section 34-2) provided the overall accessory structure is compliant with this Division.
 - (4) ~~*Minimum lot size*~~ *Lot of record.* The property must be a lawfully existing lot of record as defined in section 34-3272. that conforms to the minimum lot area, width, and depth of the zoning district in which it is located.

Sec. 34-1180. Additional dwelling unit on a lot in Agricultural Districts.

Staff note: Revise section to clarify regulations. Add provisions permitting accessory apartments for each dwelling unit on a parent AG parcel with two conventional single-family residences.

- (a) *Applicability.* This section provides the minimum regulations to permit development of an additional conventional single-family residence on the same parcel if the parcel has been zoned in an AG District and the parcel is developed in accordance with the density requirements of the applicable land use classification.
- (b) *Standards.*
 - (1) Minimum lot area must be twice the required lot area for the zoning district, but in no event less than two acres including easements.
 - (2) Minimum lot width must be twice the required lot width for the zoning district.
 - (3) The dwelling units and all accessory buildings and structures must be separated by a minimum of twice the required side yard setback for the zoning district.
 - (4) No more than two ~~living dwelling~~ living dwelling units constructed as two freestanding conventional single-family residences are permitted on the same parcel. Accessory apartments constructed in accordance with section 34-1177 are permitted in conjunction with each single-family residence developed in accordance with this provision.
 - (5) Property owners who have already established or plan to establish a caretaker's residence or accessory dwelling unit may not avail themselves of this provision.
 - (6) Each dwelling unit and all accessory buildings and structures must be located on the parcel in such a manner that the ~~units~~ parcel could be separated into individual lots and still meet the property development regulations for the zoning district as well as the density requirements for the applicable land use category without first creating a new street easement or right-of-way.
 - (7) Approval of a Type ~~4~~ E Limited Review Development Order (LDO) under the provisions of Section 10-174(4) will be required in order to obtain a lot split only if the land is subdivided. The property owners will be required to participate in a joint application to obtain the lot split approval subject to the provisions of Section 10-174~~(5)~~(4)g. This requirement runs with the land regardless of ownership change.