

**ORDINANCE NO. 25-08 (fka 24-77) / LDCT-24-07
COUNTY-INITIATED LAND DEVELOPMENT CODE TEXT AMENDMENT
ACCESSORY DWELLING UNIT (ADU) MODIFICATION
PLN2406-0077**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING LAND DEVELOPMENT CODE CHAPTER 5 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES, SECTION 511.18. ACCESSORY DWELLING UNITS (ADUS) TO AMEND THE MAXIMUM SQUARE FOOTAGE PERMITTED FOR AN ACCESSORY DWELLING UNIT, TO ESTABLISH THE NUMBER OF ACCESSORY DWELLING UNITS THAT CAN BE PERMITTED ON PROPERTY, BASED ON ACREAGE, AND TO ADDRESS SCRIVENER ERRORS AND TO PROVIDE CLARIFICATION ON STANDARDS; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. The proposed text amendment includes Chapter 5 – Standards for Accessory and Specific Uses and Structures, Section 511.18. Accessory Dwelling Units (ADUs) to amend the maximum square footage permitted for an Accessory Dwelling Unit, to establish the number of Accessory Dwelling Units that can be permitted on property, based on acreage, and to provide general clean-up to address scrivener errors and to provide clarification on standards.
2. Staff has noticed a growing trend in the development community with regard to the current restrictions on maximum square footages permitted for Accessory Dwelling Units (ADUs) do not work under certain development scenarios.
3. The County has initiated LDC Text Amendment No. LDCT-24-07 (the “LDC Text Amendment”) to modify standards for Accessory Dwelling Units (ADUs) in the Land Development Code.
4. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code as the Local Planning Agency of the County.
5. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.

6. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendment to the text of the Land Development Code.
7. The Planning Commission, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on November 14, 2024, as to the proposed LDC Text Amendment and found it to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341, Land Development Code and has recommended their adoption to the Board.
8. The Board of County Commissioners held duly noticed and advertised public hearings on December 12, 2024, and January 14, 2025, to receive public comments and consider the recommendation of the Planning Commission as to the LDC Text Amendment.
9. The adoption of the LDC Text Amendment will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly, and progressive development of Manatee County and thus will serve a valid public purpose.

Section 3. Adoption of the Land Development Code Text Amendment.

The Land Development Code Text Amendment attached to this Ordinance and incorporated herein as Exhibit "A" are hereby adopted as an Amendment to the Land Development Code of the County. The Land Development Code Text Amendment shall consist of the following Chapter and Section of the Land Development Code as set forth in the following Exhibit "A", with deleted text indicated by ~~strikethrough~~ and added text indicated by underline:

CHAPTER 5, STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES

- Section 511.18., *Accessory Dwelling Units (ADUs), Maximum Accessory Dwelling Unit Square Footage*, revise the existing table to remove the seven hundred fifty (750) and one thousand (1,000) square footage maximums and the "whichever is less" restriction on Accessory Dwelling Units (ADUs).
- Section 511.18., *Accessory Dwelling Units (ADUs)*, establish standards for the number of Accessory Dwelling Units (ADUs) that could be permitted on property, based on acreage.
- Section 511.18., *Accessory Dwelling Units (ADUs)*, provide general clean-up to address scrivener errors and to provide clarification on standards.

Section 4. Codification. The publisher of the County's Land Development Code, CivicPlus, is directed to incorporate the amendment in Section 3 of this Ordinance into the Land Development Code.

Section 5. Applicability. The amendment set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 14th day of January 2025.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

EXHIBIT "A"

TEXT AMENDMENT

The proposed text amendment is provided and shown in ~~strike~~through or underline formatting.

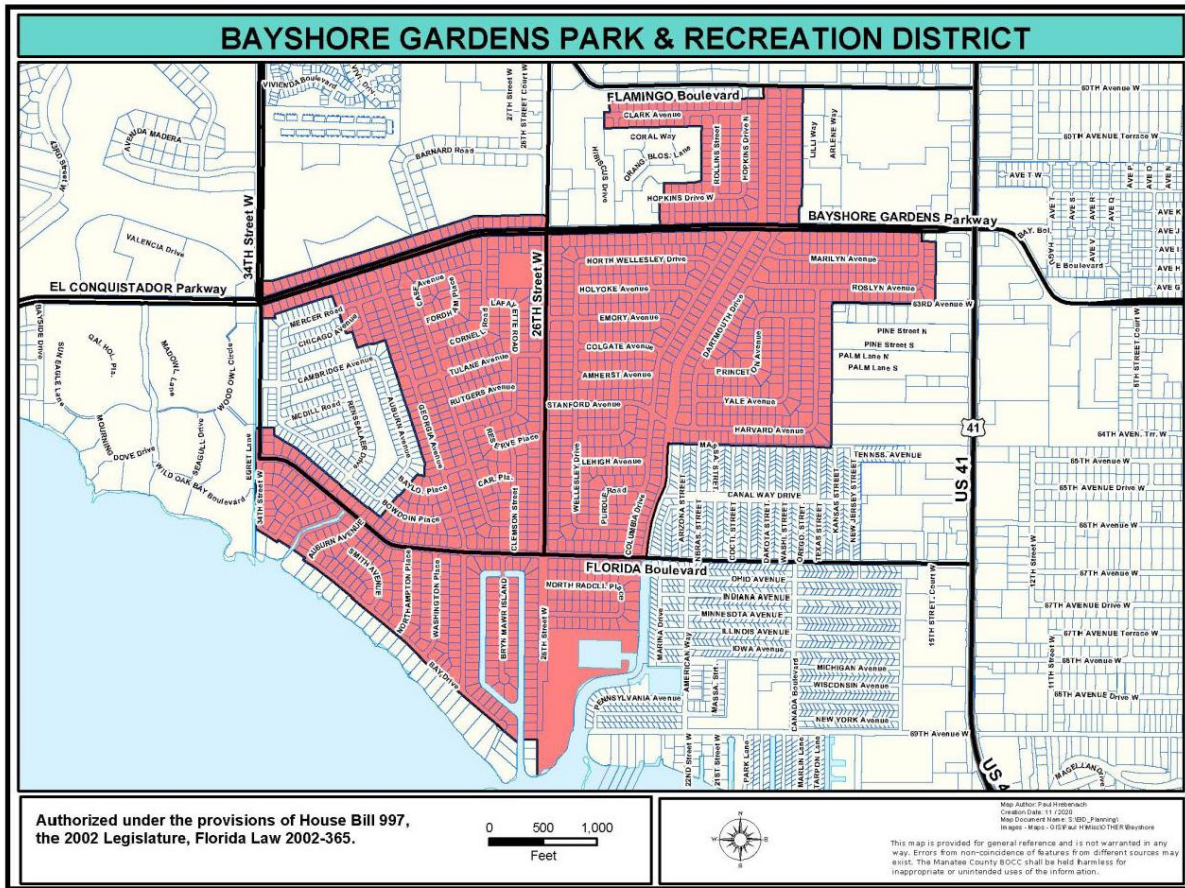
Section 511. Specific Accessory Uses and Structures Allowed.

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511.18. Accessory Dwelling Units (ADUs).

- A. **Intent and Purpose.** This section is intended to address the establishment of Accessory Dwelling Units (ADUs). The following criteria constitutes the standards that the County shall use to evaluate a proposed accessory dwelling unit:
1. An accessory dwelling unit shall be limited to parcels containing one (1) existing dwelling, single family detached or one (1) existing mobile home (A ~~zoning-district~~ Zoning District only) and on parcels zoned: A, A-1, RSF, VIL, and PD Zoning Districts, ~~and within the Village Zoning Districts~~. ADUs are prohibited within the Whitfield Residential Overlay District (WR, Section 403.13), and the Bayshore Gardens Park and Recreation District, an independent recreation district authorized pursuant to Chapter 2002-365, Laws of Florida (See Map 5-1 for current boundaries).
 - a. ADUs on PD zoned parcels may be allowed, only if a minimum of one (1) of the following criteria is met:
 - i. If expressly approved in the zoning ordinance and the site plan approving the Planned Development Project;
 - ii. If expressly approved as an amendment to an existing Planned Development Zoning Ordinance and the applicable site plan; or
 - b. If the lot is no longer included in the site plan approving the Planned Development project, and the lot is developed for a single-family use.
 2. An accessory dwelling unit shall be held in common ownership with the principal dwelling unit. Either the accessory dwelling unit or the primary dwelling shall be owner occupied.
 3. An accessory dwelling unit shall not be considered a dwelling unit for purposes of calculating density.

Map 5-1: Bayshore Gardens Park and Recreation District (an independent recreation district)



B. Development Standards. Accessory dwelling units shall be subordinate to the primary dwelling and shall meet all applicable requirements of the Land Development Code (LDC). Their placement shall prioritize privacy for adjacent properties over the privacy between the principal dwelling and ADU on the lot. These units, excluding mobile homes that are permitted in the A ~~zoning district~~ Zoning District, shall match the principal dwelling's color and architectural style:

1. ADUs, attached or detached, shall follow the setback and height requirements of the principal dwelling's standard zoning district or meet the following requirements;
 - a. Detached.
 - i. The rear yard setback may be reduced to a minimum of ten (10) feet if the ADU:
 - (a) Has obscure glass windows facing ~~neighboring~~ adjacent properties or the windows are adequately screened by foliage or a solid, opaque fence; and
 - (b) Has a maximum height of twelve (12) feet and shall be a single story, with no lofts.
 - b. Above a Detached Garage.

- i. The rear yard setback may be reduced to a minimum of fifteen (15) feet if the ADU:
 - (a) Is constructed over an existing garage that is positioned in line with or behind the façade of the primary dwelling;
 - (b) Has obscure glass windows on all exterior windows facing ~~neighboring~~ adjacent properties; and
 - (c) Has a maximum structure height of twenty-four (24) feet, and maximum exterior wall height of twenty (20) feet.
- 2. The floor area of any ADU shall not exceed the following maximum allowances:

Maximum Accessory Dwelling Unit Square Footage

Zoning District	Maximum Square Footage (sf)
A, A-1, RSF, VII, & PD, VII	Seven hundred fifty (750) sf or e Eighty (80) percent of primary structure (air-conditioned, under roof square footage only), whichever is less.
A, A-1	One thousand (1,000) sf or eighty (80) percent of primary structure (air-conditioned, under roof square footage only), whichever is less.

- 3. Mobile homes meeting the standards of Section 531.32, this section, and are legally permitted, may be used as an accessory dwelling unit, in the A ~~zoning district~~ Zoning District.
 - a. Mobile homes may be used as an ADU, provided that they meet the square footage limitation of Section 511.18.B.2;
 - b. The minimum roof overhang shall be one (1) foot on all sides. The fascia of the overhang shall be a minimum width of six (6) inches;
 - c. The exterior finish shall be horizontal lap siding or brick, or similar materials;
 - d. Foundations shall be continuous block or masonry or compatible in appearance to foundations or residences built on adjacent or nearby locations; and
 - e. Exterior window treatments such as shutters or awnings shall be provided on the exterior facade fronting all streets.
- 4. Exterior stairways shall not encroach into the zoning district's standard setbacks and may not be located on the rear of the ADU. Porches or balconies on ADUs ~~must~~ shall be built facing the principal dwelling.
- 5. The ADU shall comply with all applicable requirements of the Florida Building Code and shall be constructed with material that meets all building and safety requirements subject to the approval of the Building Official.
- 6. One (1) off-street parking space shall be provided for an accessory dwelling unit. Off-street parking for the accessory dwelling unit may be provided on an existing driveway leading to a garage or carport but ~~must~~ shall be in addition to any parking required for the primary single-family residence. The parking space location shall be submitted with the building permit. The location of the designated parking space shall be delineated on the lot survey and shall be included in the building permit application. A minimum of three (3) off-street parking spaces (two (2) for primary residence, one (1) for ADU) shall be required, where a garage is converted into an ADU.

7. Conforming lots with a principal dwelling unit shall be limited as follows: ~~to one (1) ADU, or one (1) guest house.~~
 - a. Conforming lots less than five (5) acres in size shall be limited to one (1) ADU or one (1) guest house.
 - b. Conforming lots five (5) acres or greater but less than twenty (20) acres in size shall be limited to two (2) ADUs or two (2) guest houses.
 - c. Conforming lots greater than twenty (20) acres in size shall be limited to three (3) ADUs or three (3) guest houses.
8. Concurrent with recording of the Notice of Commencement, a Notice to Buyers shall be recorded in the Official Records of Manatee County at the expense of the Applicant that states: The property owner ~~must~~ shall occupy either the primary dwelling unit or the Accessory Dwelling Unit (ADU) in perpetuity. A copy of the Notice to Buyers shall be included in the Building Permit Application.