

LEON COUNTY ORDINANCE NO. 23- 12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 10-1.101, DEFINITIONS; AMENDING SECTION 10-6.803, ACCESSORY USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Sections 10-1.101 and 10-6.803 of the Leon County Code of Laws, relating to Accessory Dwelling Units.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1. Amendments to Section 10-1.101 of the Code of Laws of Leon County, Florida.

Section 10-1.101 of Article I of Chapter 10 of the Code of Laws of Leon County, Florida, entitled “Definitions” is hereby amended to include the following new definitions and read as follows:

Sec. 10-1.101. Definitions.

* * *

Accessory dwelling unit (ADU). The term "accessory dwelling unit (ADU)" means a single dwelling unit sharing ownership with a principal structure on a single property. The inclusion of a single ADU on a lot shall not be included in density calculations or defined as a multi-family residential development. ~~means an additional, ancillary dwelling unit located on the same lot or parcel as a principal dwelling unit. The accessory dwelling unit may be attached or detached; its use is secondary to the principal use of the property.~~

* * *

SECTION 2. Amendments to Section 10-6.803 of the Code of Laws of Leon County, Florida.

Section 10-6.803 of the Code of Laws of Leon County, Florida, entitled “Accessory uses” is hereby amended to read as follows:

1
2 **Sec. 10-6.803. Accessory uses.**

3
4 * * *

5 (b) *Accessory dwelling units (ADUs).*

6 (1) Purpose. ~~The purpose of this subsection is to make housing available to persons who~~
7 ~~might otherwise have difficulty finding homes while maintaining and protecting the~~
8 ~~property values and residential character of neighborhoods where accessory dwelling~~
9 ~~units, as defined in article I, are located. Applicable regulations governing accessory~~
10 ~~dwelling units are set out below. Increase the range of housing choices and the supply~~
11 ~~of accessible and affordable housing units within the community, while providing~~
12 ~~property owners with flexibility in establishing separate living quarters for purposes~~
13 ~~such as caring for seniors, providing housing for their children, or obtaining rental~~
14 ~~income.~~

15 (2) ~~General s~~Standards. ADUs may be allowed in all zoning districts provided that all
16 of the following requirements are met:

17 a. ~~Accessory dwelling units shall be allowed in conjunction with the following~~
18 ~~principal structures:~~

- 19 1. ~~Detached single family residential dwelling units;~~
- 20 2. ~~Retail establishments;~~
- 21 3. ~~Offices; and~~
- 22 4. ~~Principal industrial structures.~~

23 a. ~~b.~~ No more than one accessory dwelling unit ADU shall be permitted
24 allowed on any residential lot or parcel, and ADUs are exempt from
25 residential density calculations or within any principal non-residential
26 structure.

27 e. ~~Accessory dwelling units in conjunction with single-family residential~~
28 ~~structure may be incorporated within or attached to the principal structure or,~~
29 ~~under limited conditions, specified in subsection (b)(4)a of this section,~~
30 ~~established as freestanding or detached structures.~~

31 b. ~~d.~~ All ADUs dwelling units accessory to a single family residential unit shall
32 comply with all standards applicable within meet the applicable zoning
33 district and subdivision, including setbacks and building height limits.

34 c. ~~e.~~ Detached ADUs shall be located in the side or rear yard; rear yard
35 placement is required if served by alley. May be located in front yard or side
36 corner yard when principal structure setback is at least 50 feet from the
37 property line and must be set back at least 30 feet from front and side corner
38 property lines.

39 d. Each ADU, whether attached or detached, shall not exceed 800 square feet
40 of heated and cooled floor area when accessory to a single family structure;

1 or 1,000 square feet gross floor area when accessory to retail, office, and
2 industrial principal structures.

3 e. ADUs must be designed as a subordinate structure to the primary structure
4 on the lot in terms of its mass, size, height, and architectural character. The
5 architectural design, character, style, and appearance of the ADU must be
6 consistent and compatible with the primary structure.

7 f. An ADU may not be sold separately or as a condominium unless the property
8 is properly subdivided in accordance with this chapter.

9 g. Proposed improvements must be consistent with the Environmental
10 Protection provisions of the Leon County Environmental Management Act
11 (EMA).

12 ~~e. Dwelling units accessory to a single family residential unit shall be no greater~~
13 ~~in height than the principal residential unit, except that accessory dwelling~~
14 ~~units may be located attached to and above an accessory structure, such as a~~
15 ~~freestanding garage, in which case, the height of the combined structure may~~
16 ~~be two story. In no instance shall an accessory dwelling unit be so designed~~
17 ~~and located as to have windows, which at their base elevation, are higher than~~
18 ~~the eave of any residential dwelling unit located on an adjacent property.~~

19 ~~f. Accessory dwelling units shall be constructed utilizing similar architectural~~
20 ~~standards as utilized for the design and construction of the principal structure.~~

21 ~~h. In no instance shall a mobile home, standard design manufactured home, or~~
22 ~~storage shed be used as an accessory dwelling unit.~~

23 ~~i. An accessory dwelling unit shall be required to obtain permitting as a habitable~~
24 ~~structure.~~

25 ~~j. Deviations may not be granted to the requirements set out in this section except~~
26 ~~in regard to subsections (b)(2)e and (4)d of this section. To obtain approval for~~
27 ~~deviation to the requirements set out in subsections (b)(2)e and (4)d of this~~
28 ~~section, the applicant shall demonstrate that, in addition to the general criteria~~
29 ~~for approval, the proposed placement and elevation of the accessory dwelling~~
30 ~~unit will not adversely impact any adjacent residential property resident; the~~
31 ~~application may demonstrate satisfaction of this objective by taking advantage~~
32 ~~of the topographic characteristics or natural vegetation present on-site, or~~
33 ~~through the use of enhanced landscaping, architectural, or other design~~
34 ~~responses.~~

35 ~~(3) Standards for attached accessory dwelling units.~~

36 ~~a. An accessory dwelling unit may be attached to a principal single family~~
37 ~~residential structure if connected by a breezeway, roofed passage or similar~~
38 ~~structure. Accessory dwelling units in conjunction with non-residential uses~~
39 ~~shall be incorporated within or attached to the principal structure.~~

- b. ~~Any accessory dwelling unit attached to a single family residential structure, including those connected by breezeway, roofed passage or similar structure, shall not exceed 45 percent of the total air conditioned, enclosed gross floor area of the principal residential structure nor 800 square feet gross air conditioned, enclosed floor area.~~
- e. ~~An accessory dwelling unit attached to a single family residential dwelling shall be constructed utilizing similar architectural features as utilized for the design and construction of the principal structure. This provision shall not be construed so as to limit an attached accessory dwelling unit from having its own entryway, porch, or to limit the quantity or location of window space.~~
- d. ~~An accessory dwelling unit attached to a single family residential dwelling shall be located entirely within all minimum yard setbacks established by the zoning district in which it is located.~~
- e. ~~As an accessory dwelling unit is not considered a principal use, it shall not be subject to concurrency management system requirements.~~

~~(4) Standards for detached accessory dwelling units.~~

- a. ~~Freestanding or detached accessory dwelling units shall be allowed in conjunction with any principal residential use.~~
- b. ~~A detached dwelling unit accessory to a single family residential structure shall not exceed 800 square feet air conditioned, enclosed area nor five percent of the total lot or parcel area.~~
- e. ~~A detached dwelling unit accessory to a single family residential structure shall be constructed utilizing similar architectural features as utilized for the design and construction of the principal structure. This provision shall not be construed so as to limit a detached accessory dwelling unit from having its own entryway, porch, or to limit the quantity or location of window space.~~
- d. ~~A detached dwelling unit accessory to a single family residential structure shall be setback a minimum distance equal to the applicable minimum rear and side yard setbacks established by the zoning district in which it is located, except that within the residential preservation zoning district, any detached dwelling unit accessory to a single family residential structure shall be no less than 105 percent of the applicable minimum side yard setback and 110 percent of the applicable minimum rear yard setback for principal residential structures.~~
- e. ~~Within the lake protection and the residential preservation zoning districts and overlays, detached accessory dwelling units are subject to the following restrictions:~~
 - 1. ~~As a component of a new site and development plan reviewed and approved pursuant to division 4, article VII of this chapter:~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Zoning District	Minimum Lot Size
Lake Protection	3.0 acres
Residential Preservation	0.3 acres (inside U.S.A.) 3.0 acres (outside U.S.A.)

~~2. In conjunction with a previously developed, existing single family detached dwelling:~~

Zoning District	Minimum Lot Size
Lake Protection	3.0 acres
Residential Preservation	0.3 acres (inside U.S.A.) 3.0 acres (outside U.S.A.)

(3) Review procedures and conditions for accessory dwelling units. A proposed accessory dwelling unit shall require submittal of a residential compliance certificate to determine eligibility. A proposed accessory dwelling unit shall be reviewed concurrently with the submittal of a building and environmental management permit. A complete building and environmental management permit shall include documentation demonstrating compliance with the applicable accessory dwelling unit requirements noted in this section. A notarized affidavit identifying the proposed structure as an accessory dwelling unit and outlining any conditions of approval shall be signed by the owner and recorded with the county clerk of courts prior to issuance of the building and environmental management permit. Affidavits for detached ADUs shall include, at minimum, a condition that subdivision of the parcel for the benefit of creating a lot exclusively for the ADU shall be subject to the environmental and subdivision regulations of this LDC.

* * *

SECTION 3. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

1 **SECTION 4. Severability.**

2
3 If any word, phrase, clause, section, or portion of this ordinance is declared by any court of competent
4 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions
5 of this ordinance shall remain in full force and effect.
6

7 **SECTION 5. Applicability.**

8
9 This ordinance shall apply to and be effective in the unincorporated area of Leon County.
10

11 **SECTION 6. Effective Date.**

12
13 This ordinance shall have effect upon becoming law.
14

15 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida,
16 this 14 day of Novemeber, 2023.

17
18 LEON COUNTY, FLORIDA

19
20 DocuSigned by:
21 By: Carolyn D. Cummings
22 077B4B7E3ECA477...
23 Carolyn D. Cummings, Chair
24 Board of County Commissioners
25

26 ATTESTED BY:
27 Gwendolyn Marshall Knight, Clerk of
28 Court & Comptroller, Leon County, Florida
29

30 DocuSigned by:
31 By: Gwendolyn Marshall Knight
32 178D7F95C3774F4...



34 APPROVED AS TO FORM:
35 Chasity H. O'Steen, County Attorney
36 Leon County Attorney's Office
37

38 DocuSigned by:
39 By: Chasity H. O'Steen
BCE5E0EFD079484...