

ORDINANCE NO. 24-O-03

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA,
CONCERNING ACCESSORY DWELLING UNITS;
AMENDING CHAPTERS 1 AND 10 OF THE TALLAHASSEE LAND
DEVELOPMENT CODE; PROVIDING FOR CONFLICTS, SEVERABILITY,
AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF
TALLAHASSEE, FLORIDA, AS FOLLOWS:

Section 1. The definition of the term “Accessory Dwelling Unit” in Section 1-2 of the
Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 1-2. – Definitions and rules of construction.

Accessory dwelling unit (ADU). The term "accessory dwelling unit (~~ADU~~)" means a single dwelling unit sharing ownership ~~and utility connections~~ with a principal structure on a single property. The inclusion of an ~~single~~ ADU on a lot shall not be included in density calculations or defined as a multi-family residential development. An ADU may share the address with the primary structure or may have a separate address. An ADU may share utilities with the primary structure or may have a separate utility connection.

Section 2. Section 10-280.7 of the Tallahassee Land Development Code is hereby
amended to read as follows:

Sec. 10-280.7. – Incentives

....

(b) Accessory Dwelling Unit (ADU).

A lot with an ADU shall be allowed up to a maximum 25 percent gross density bonus, as applied to the underlying zoning district standards, so long as there no more than two dwelling units on the lot.

~~(1) A single ADU, attached or detached, may be placed on any single family or duplex parcel within the MMTD. The provisions of Section 10-83, Rooming House Ordinance, with regard to nonconforming uses, shall remain applicable.~~

~~(2) For each ADU provided in new residential subdivision developments, one (1) additional principal dwelling unit shall be allowed, up to a maximum 25 percent gross density bonus in dwelling units allowed by the underlying zoning district; and the number of ADUs and density shall be documented as part of the subdivision.~~

~~(3) The following requirements shall apply to the design of ADUs:~~

~~a. — Detached ADUs shall be located in the side or rear yard; rear yard placement is required if served by alley.~~

~~b. — ADUs shall meet the setbacks and placement requirements for 2nd and 3rd layers as prescribed in Section 10-285, Table 10A through 10D and shall not exceed 40 percent of the area of the principal use and are limited to a maximum of 800 square feet when accessory to a single family or duplex structure or 1,000 square feet when accessory to non-residential uses. An ADU of 500 square feet is permissible for all single family and duplex structures regardless of principal structure square footage, provided that it can meet all other development standards.~~

~~c. — Detached ADUs shall not exceed the height of the principal structure, except where a one-story unit is located entirely on the second floor above a detached garage.~~

~~d. — ADUs shall adhere to the same required setbacks and overall lot coverage requirements as the principal structure.~~

~~e. — ADUs shall utilize similar building materials as those of the principal structure.~~

~~(4) — The provisions of Section 10-412(1) Accessory Apartments are not applicable within the MMTD.~~

....

Section 3. Section 10-412 of the Tallahassee Land Development Code is hereby amended

to read as follows:

Sec. 10-412. – Accessory Uses

....

(1) Accessory dwelling units (ADUs).

....

b. Standards. ADUs may be allowed in all zoning districts provided that all of the following requirements shall be met:

1. ~~No more than one ADU shall be permitted on any lot. A single ADU may be placed on a lot with a single-family or duplex residence, or a lot with a non-residential use. Within the MMTD, if all other development standards are satisfied, a single ADU is allowed for each principal dwelling unit on a residential lot. Within the MMTD, if all other development standards are satisfied, a single ADU is allowed for each non-residential establishment on a non-residential lot.~~

2. An ADU shall be located ~~within or as an accessory structure to the principal structure, as an attached or detached unit to a principal or accessory structure,~~ so long as the height of the ~~accessory structure~~ ADU is not greater than ~~the height of the principal structure, two stories.~~ Where a one-story unit an ADU is located entirely on the second floor above an detached garage accessory structure, then the height of the entire structure shall not exceed two stories.

3. Detached ADUs shall be located in the interior side, side corner, or rear yard; ~~rear yard placement is required if served by alley.~~

4. ~~ADU square footage shall not exceed 40 percent of the area of the principal structure. An ADU of 500 square feet is permissible for all lots with a single family residence, provided that it can meet all other development standards.~~

~~4. ADUs shall not exceed 800-1,200 square feet of gross floor area when accessory to single family structures; or 1,000 square feet gross floor area when accessory to retail, office, and industrial principal structures. ADUs shall not be permitted for two family or multifamily structures, under roof, provided that it can meet all other development standards.~~

~~6. The ADU shall be located and designed not to interfere with the appearance of the principal structure.~~

~~7. ADUs shall utilize similar building materials as those of the principal structure.~~

~~5. ADUs shall adhere to the same required setbacks and overall lot coverage requirements as the principal structure.~~

~~6. The requirements of section 10-83 of this Code, rooming houses as nonconforming uses, shall be applicable to lots with ADUs zoned RP-1, RP-2, R-1, and R-2.~~

....

Section 4. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 6. Effective Date. This ordinance shall become effective immediately upon its passage.

INTRODUCED in the City Commission on the 21st day of February, 2024.

PASSED by the City Commission on the 27th day of March, 2024.

CITY OF TALLAHASSEE

By: _____
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
Amy M. Toman
City Attorney