

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
WORK SESSION
BRADENTON AREA CONVENTION CENTER, NORTH CENTER HALL
One Haben Boulevard
Palmetto, Florida
AUGUST 4, 2020**

Meeting video link: <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were:

Betsy Benac, Chairman
Carol Whitmore, First Vice-Chairman
Misty Servia, Second Vice-Chairman
Reggie Bellamy, Third Vice-Chairman
Stephen R. Jonsson (via telephone)
Priscilla Whisenant Trace

Absent was:

Vanessa Baugh

Also present were:

Cheri Coryea, County Administrator
Sarah Schenk, Assistant County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court



Chairman Benac called the work session to order at 9:02 a.m.

AGENDA

BC20200804DOC001

1. **ACCESSORY DWELLING UNITS**



John Barnott, Building and Development Services Director, stated staff has been working to update the information regarding Accessory Dwelling Units (ADU) based on comments made by the Board at past meetings.



Lisa Barrett, Planning Manager, introduced Bill O'Shea, Principal Planner, who utilized a PowerPoint to present the current proposal regarding ADUs including the definition of an ADU, requirements, types of ADUs (attached, detached single story, and detached above garage), photograph examples, misconceptions regarding ADUs, prior work on ADUs by staff, and meetings and outreach by staff with the public.

Changes to the ordinance from the prior version include reducing the maximum square footage from 1,000 to 500 square feet. The proposed square footage reduction will disallow ADUs in the Whitfield Residential Overlay District (WR). The number of ADUs on a conforming lot is limited to one. ADUs are prohibited in the Coastal Evacuation Area and Coastal High Hazard Area Overlay Districts. An off-street, dedicated, parking space is also required. Other Changes include sun setting guest houses, and allowing mobile homes to be used as an ADU in the A (Agriculture) Zoning District.

Mr. O'Shea continued the slides to address the County Attorney's opinion regarding House Bill 1339, which contains requirements for ADUs if they are considered as Affordable Housing. Staff recommends the County not include the requirement for the units to be income qualified. The draft ordinance adds LDC Section 511.18 identifying zoning districts where ADUs are permitted, one of the dwelling units is required to be owner occupied, and providing development standards. The proposed ordinance addresses setbacks, square footage, one grandfathered guest house or ADU per lot, and compliance with the Florida Building Code. Revisions are also being proposed to LDC Section 531.32 Mobile Homes.

Staff is seeking direction on the Board's desire to have ADUs as a housing option, preferred square footage, should guest houses be kept in the Code, should reduced setbacks be allowed for height restrictions and privacy improvements, should ADUs be allowed in the A Zoning District, is one parking space sufficient if the ADU is larger than 500 square feet, should ADUs be allowed in the coastal zones, and should ADUs be regulated as Affordable Housing units, as defined by the code.

Discussion ensued regarding the original intent was for a mother-in-law apartment, option to add a porch, with a restriction to not enclose, to not take square footage away from the living area, going bigger would open up too many issues, options for the A Zoning District, and can neighborhoods opt out.

 Ms. Barrett explained that unless there is an overlay is difficult to restrict the use.

 Mr. O'Shea clarified the majority of Bayshore falls within the Coastal High Hazard Area.

 Discussion continued that guest houses are still in question, guest house designation prohibits the installation of electric for an oven, guest houses can measure one foot less than the primary dwelling, and in an over 10 year period there were only 70 permits pulled for guest houses as defined in the LDC.

 Sarah Schenk, Assistant County Attorney, stated guest houses cannot be used as rentals, and any new definition for guest house will need to be examined regarding rental restrictions.

 In response to questions, Mr. O'Shea explained the Health Department approves the use of septic tanks, and ADUs must be on an owner occupied property.

 Discussion ensued that restrictions for building in coastal areas were established to limit the number of people living in a flood zone, if a property with an ADU is sold, the same restrictions apply to the new owner, the Property Appraiser randomly checks homestead, require an affidavit or notice to buyer that would provide the restrictions regarding the ADU if the property is sold, ensure ADUs are appropriate in certain areas, owner can live in the ADU or the main house, enforcement will be difficult since Code Enforcement cannot enter property, why was the PDR (Planned Development Residential) Zoning District excluded when there are larger lots in certain subdivisions, PDR requires a site plan, and all the uses must be approved, can certain areas be listed in the ordinance as excluded, such as Whitfield, parking is a challenge with homes that do not have driveways, set residential standards that prohibit people from parking in yards, have parking be adjacent to the ADU, Bert Harris claims, grandfathering in properties that complied with the LDC prior to any amendments, definition of opaque windows, installing separate electric meters would be at the owners discretion, waiting on comments from Addressing, minimum lot coverage standards, the standard is to maintain 25 feet between driveways, and should on-street parking be an option.

 Upon question, Mr. O'Shea referred to a chart regarding income limits and rent limits to address Affordable Housing.

 Geri Lopez, Redevelopment and Economic Opportunity Director, stated diverse housing options and additional units are encouraged. The term affordable housing falls into two different categories, Capital "A" Affordable Housing, must be monitored and rents are income based. As proposed ADUs would be not be monitored, and the owner of the property must

be living in the house, and must income qualify potential renters to meet Affordable Housing requirements. The limited size of the unit would naturally bring in a lower rent.

 Discussion ensued regarding the need for affordable housing, exemptions would create inconsistency, how zoning applies to areas, ADUs do not have to be affordable housing, but if the owner chooses, they could be, ADUs allow the owner of the property to downsize, density is an issue, rezoning is not prohibited in the Coastal High Hazard Area, process to create an overlay district, deed restricted communities, 750 square feet may be more reasonable, and Florida Statute regulates rentals.

 Ms. Schenk discouraged exempting certain areas in the County.

 Discussion continued regarding reaching out to adjacent counties and cities, appreciate not mandating Affordable Housing and not putting the burden on owners, would an ADU disqualify the one-time split allowed on a five-acre parcel zoned A, and if lots are conforming, they could have an ADU on each lot.

 Mr. Barnott explained that a matrix could be made regarding the size of the A zoned lot, and if there is a five acre, A zoned property, with an ADU, a non-conforming lot is created once there is a split in acreage.

 Upon question, Ms. Barrett clarified, a lot can be split one time without creating a subdivision, but the lots must still be a certain size and meet all the zoning requirements.

 Discussion ensued that setbacks would limit the size of the unit that would be allowed, legality of exempting certain areas, A zoned parcels could have different restrictions, consider floor area ratio to determine the number of people who can live in one dwelling, open space requirements in developments are limited to the common areas, a property being used as a rental would not qualify for having an ADU, are there specific neighborhoods that want ADUs, and countywide zoning changes apply to all properties.

RECESS/RECONVENE: 10:36 a.m. – 10:46 a.m. All Commissioners present except Commissioner Baugh.

 Norm Luppino, expressed concern regarding property being sold and notice to the buyers, parking, Planned Development restrictions, setbacks, and building dimensions.

 Sharon Denson stated the Whitfield Overlay has its own restrictions and limits the number of dwellings on a lot.

 David Potenza displayed maps to discuss the unique qualities of Whitfield, and expressed concern regarding flooding.

 Jack Marriam used a slide presentation to address the use of ADUs as rentals and the character of his neighborhood. He questioned the use of a 650 square foot portion of his home.

 Glen Gibellina addressed existing ADUs in the City of Bradenton, increasing square footage to 750 air-conditioned, square feet, property must be owner occupied, parking must

be specified on the permit when an ADU is built, and porches should not count toward total square footage.

 Valerie Guillory, Trinity Without Borders, stressed the need for Affordable Housing and stated the homes her organization is building have ADUs attached and help prevent homelessness by providing housing and providing the owner with income to assist with mortgage payments.

 Suzanna Young suggested the size of the ADU should be a percentage of the original house and stressed the need for more Code Enforcement.

 Max Brandew supported ADUs and stressed home owners should be able to use their property as they wish.

 Christian Denegri expressed concern regarding regulations on larger lots for septic systems.

 Carol Martin opposed ADUs due to use as vacation rentals and lack of enforcement.

There being no further public comment, Chairman Benac closed public comment.

 Mr. Brandew responded that there have been few concerns in Sarasota County regarding ADUs, and they are not very prevalent.

 Discussion ensued regarding increasing the size of the units, porches should not count toward total square footage, setbacks, strict parking regulations, and meet current zoning regulations.

 Mr. Barnott explained septic systems are approved by the State Health Department, and are designed for the specific structure. If a person wanted to add an ADU, they would need another permit for the additional dwelling.

 Discussion continued regarding determining the size of the ADU based on the size of the lot, corner lots and setbacks, A Zoning District would need its own set of rules, areas prone to flooding should be excluded, require a recorded affidavit from a buyer agreeing to owner-occupied requirement, 10-foot, rear-yard, set-back is becoming standard, stipulate ADUs would be allowed unless prohibited by a Homeowners Association, Overlay District, or Charter, an existing guest house would be grandfathered in, but cannot be converted to an ADU, and percentage of lot coverage may be an option for determining size.

 Ms. Schenk stated she cannot provide a legal opinion regarding the Bayshore Charter, and suggested not including the provision regarding HOA's in the language.

 Mr. Barnott stated Building and Development Services does not review HOA or special district documents, but only review zoning requirements. It is up to individual property owners to know the restrictions of their community.

 Discussion continued regarding the need for more Code Enforcement Officers.

 Mr. Marriam has a 650 square foot area in his house, and he would like to know what he can do with that space (convert to ADU or guest house).

 Ms. Schenk advised against giving citizens specific advice regarding the use of their property.

 Mr. O'Shea reviewed directions to staff:

- ADU's should be a housing option;
- Add maximum lot coverage with a maximum dwelling size;
- Add a matrix for A Zoning District;
- Limit bedrooms in Residential zoning;
- Keep staff's recommendation regarding guest houses;
- Keep height restrictions as is;
- Keep one parking spot;
- Consider restrictions in coastal areas;
- Should not be regulated as affordable housing; and
- Consider Affidavit to Buyer requirements

 Mr. Barnott reviewed the cost of construction and noted that a 650 square-foot ADU would cost \$100,000 to build.

Discussion ensued regarding staff researching surrounding counties.

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RECESS/RECONVENE: 12:13 p.m. – 12:31 p.m. All Commissioners present except Commissioner Baugh.

2. **SUMMER 2020 INTERN PROJECTS**

 Cheri Coryea, County Administrator, stated the intern program is a paid, 10-week program which allows departments to complete results-first project that are normally not completed during regular work.

 Xavier Colon, Neighborhood Services Specialist, explained there are 20 interns who have taken part in professional development activities and worked with their mentors and supervisors.

 Kaitlin Stelzer, Executive Assistant, introduced Hannah Pierce, who used a slide presentation to present her project regarding establishing an apprenticeship program.

Ms. Coryea stated Human Resources is working on implementing the program.

 Simone Peterson, Neighborhood Services, introduced Julia Smith, who used a slide presentation to review her project regarding an indigent burial program.

 Discussion ensued the program needed modernization, veterans were not addressed in the project, and many of the programs developed by interns have been implemented.

Mr. Colon introduced David Johnston, who used a slide presentation to present his project pertaining to hardware replacement procedures/technology refresh.

 Discussion ensued regarding this year has proven the importance of remote working, and saving money for tax payers.

 Christina Hallinan , Senior Probation Officer, introduced Selena Gomez, who used a slide presentation to review her project of establishing contacts to reduce recidivism for Probation clients who need assistance.

 Maggie Gaughan, Real Property Specialist, introduced Megan McCarthy who used a slide presentation to review her project of creating a catalogue of property vacations including GIS maps and supporting documentation.

 Ray Vinson, Resource Management Division Manager Parks and Natural Resources, introduced Abigail Piegols, who used a slide presentation to review her project of creating a geodatabase with all the amenities available at 14 County parks and preserves.

 Vanessa Zigich, Travel Trades and Industry Manager, Convention and Visitors Bureau, introduced Siera Curran, who used a slide presentation to introduce her project to create a sales and social media plan to promote the Palmetto Sheraton at the Bradenton Area Convention Center.

(Depart Commissioner Whitmore)

 Haley Harrison, Budget Analysis, introduced Brittany Hasiak, who used a slide presentation to introduce her project to create a plan to relay the importance of the Capital Improvement Plan to the public.

 Ms. Coryea thanked Mr. Colon for his efforts with the interns.

Discussion ensued regarding the impressive program, and completing projects that may never had been completed if it was not for the intern program, interns are able to complete the projects, because they are able to dedicate all their time to the project, costs savings, and providing important information to staff and the public.

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ADJOURN

There being no further business, Chairman Benac adjourned the meeting at 1:50 p.m.

Minutes Approved: _____