

## ATTACHMENT A

### Definition of Accessory Dwelling Units

#### What are Accessory Dwelling Units?

An “Accessory Dwelling Unit” is a term which generally implies a unit that is physically and functionally subordinate to a primary single-family dwelling. However, an alternate view is that accessory dwelling units are just another housing type serving the single-family dwelling purposes and may or may not necessarily be structurally subordinate to the primary single-family dwelling. The approach to the term Accessory dwelling units could therefore lead to quite different results. It is therefore imperative that the definitions and approach to the terms be carefully considered during the initial stages of developing an accessory dwelling unit program.

Given the above considerations, an accessory dwelling unit is generally defined as “an ancillary or secondary living unit, which has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.” Accessory dwelling units are also known as accessory apartments, garage apartments, granny flats, or mother-in-law flats. (Section 163.31771(2) F.S, Accessory Dwelling Units Report to the Florida Legislature)

A publication of the Public Policy Institute, written by Rodney L. Cobb and Scott Dvorak, defines Accessory Dwelling Unit as a general term for accessory apartments and cottages. An accessory apartment is built within the principal dwelling unit, whereas an attached accessory cottage is physically connected to that dwelling unit. A detached accessory cottage is located on the same lot as the principal dwelling unit but is not physically connected. The relationship of Accessory dwelling units to other structures on the same site is an element that must be adequately addressed in the implementation of any accessory dwelling unit program.

Staff finds that jurisdictions implementing an accessory dwelling unit program refer to them by a variety of names but the common thread among all is that they represent a type of housing oriented to single-family occupancy. One noticeable element is that the adopted definition will play a role in how, where and the manner in which they are permitted. Where Accessory dwelling units are defined as a housing type, there are wider latitudes in permitting, flexibility in the sizes allowed and possibly, a more defensible position to legal challenges related to size of units and who can live in the “primary” verses the “accessory” unit.

The model accessory dwelling unit ordinance, the Accessory Dwelling Unit Report to the Florida Legislature and several other professionals strongly recommend that the terms associated with an accessory dwelling unit program be clearly defined in order to have a functional, efficient and defensible program.

#### Key West Florida Definition:

*Accessory unit* means a dwelling unit, limited in size, with a separate entrance, for use as a complete, independent living quarters, with provisions for living, sleeping, bathing, and cooking which meet the following criteria:

- (1) Deed-restricted as affordable.
- (2) Restricted to occupancy by permanent residents.
- (3) Occupied by a person or household for whom the unit is a primary residence.
- (4) May not be rented transiently nor can it be granted a business tax receipt for transient use and cannot be sold separately as a condominium.
- (5) Shall not exceed 600 square feet and the minimum size shall be 300 square feet.
- (6) Subject to BPAS availability and allocation at 0.78 ESFU.
- (7) Adequate public utilities and public facilities shall be available concurrent with the permitting of such unit.