

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

ZONING & LAND DEVELOPMENT STAFF CLARIFICATION SC 2004-07

DATE: 15 December 2004

LDC SECTIONS: 5.03.03. and 1.08.02., Definitions of "Guest house or cottage" and "Guest Quarters/guest suites"

SUBJECT: Review guidelines for plan reviewers pertaining to Guesthouses/cottages and guest quarters/guest suites

INITIATED BY: Staff

BACKGROUND/CONSIDERATIONS: Guesthouses/cottages and guest quarters/guest suites are permissible as uses accessory to permissible principal single-family residences. "Guest house or cottage" is defined in LDC Section 1.08.02 as "An accessory dwelling structure which is attached to or detached from, a principal dwelling located on the same residential parcel and which an accessory dwelling serves as an ancillary use providing living quarters for the occupants of the principal dwelling, their temporary guests or their domestic employees and which may contain kitchen facilities." "Guest quarters/guest suites" are defined in LDC Section 1.08.02 as "An attached or detached room or suite, which could be used as a temporary sleeping accommodation, which is integrated as part of the principal use of the property and may contain running water as long as is is not configured or of a size that may accommodate a kitchen." This Staff Clarification is intended to establish guidelines to assist building plan reviewers to determine if a structure or building addition meets the LDC definition of any of these accessory uses.

DETERMINATION (CLARIFICATION): There are three different fact situations requiring application of the LDC definitions of "guesthouse or cottage" and "guest quarters/guest suites." Guidelines for application of the LDC are identified for each of these situations.

Please note:: determinations of the status of the accessory use made in accordance with this Staff Clarification for building permit plan reviews are not required to be consistent with the application of the definition of a "dwelling unit" or any provisions applied by the Financial Administration and Housing Department to assess impact fees under the Code of Laws, Chapter 74. Accordingly, the Impact Fee Manager may apply criteria under the regulations applicable to assessing impact fees in a manner recognizing the future use of proposed structures as well as any existing use. In the case of an unresolved conflict between the guidelines presented in this Staff Clarification and those applied by the Impact Fee Manager under the applicable regulations, policies and procedures, the latter provisions for assessing impact fees are presumed to control..

A. Guesthouse or cottage - detached: any habitable structure detached from the principal residence will be considered a guesthouse under the LDC zoning and property development regulations if it contains:

- 1. a separate electrical meter for the structure, **or if there is no separate meter there is:**
- 2. an area designated on the plans submitted with the building permit application as a kitchen or food preparation area, **or if there is no separately designated kitchen or food preparation area, there is:**
- 3. an apparent food preparation area (regardless of designation), having:

- a. a range, **or**
 - b. a sink and countertop which are not identified for a use other than food preparation, and which area is not within a bathroom or washroom, **or if there is no apparent food preparation area, there is:**
- 4. an unexplained 220-volt electrical outlet in the structure that could be used for a major kitchen appliance such as a range.

B. Guesthouse or cottage - attached: any addition to a principal residence will be considered an attached guesthouse under the LDC zoning and property development regulations if:

- 1. it is structurally attached, as may be determined by the Building Official under the provisions of the Florida Building Code, to the principal residence *but is not connected to the principal residence by living (air-conditioned) space, and*
- 2. it contains a separate electrical meter for the addition, **or if there is no separate meter, there is:**
- 3. a designated or depicted kitchen or food preparation area, **or if there is on separately designated kitchen of food preparation area, there is:**
- 4. an apparent food preparation area (regardless of designation), having:
 - a. a range, **or**
 - b. a sink and countertop which are not identified for a use other than food preparation, and which area is not within a bathroom or washroom, **or if there is no apparent food preparation area, there is :**
- 5. an unexplained 220-volt electrical outlet in the structure that could be used for a major kitchen appliance such as a range.

Note that a guesthouse, as defined, may be directly interconnected to the main residence if the applicant so desires, provided that it also meets all the requirements of LDC Section 5.03.03.

C. Guest quarters/guest suite: This accessory use is defined in the LDC and may be attached to the main residence or detached; however, it is *not* identified as a permissible accessory use in any base residential zoning district. Thus, "Guest quarters/guest suites" are identified, by name, as permissible accessory uses only in certain PUDs. Where specifically identified in a PUD document, the guest quarters or guest suites must meet all applicable requirements of the individual PUD. In any PUD not specifically identifying "guest quarters" or "guest suites" by name, the guidelines above for an attached or detached guesthouse will be considered to apply. If the living area in question is *not identified as an attached or detached guest house according to the above guidelines and regardless of what the living area is called*, this living area will be considered an addition to the main residence when structurally attached to the main residence, whether it is inter-accessible to the main residence or not. If it is detached, it will be considered a separate, detached, accessory structure.

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 Zoning Clarification File