

April 2008

## Accessory Dwellings

Sometimes called in-law houses or cottages, accessory dwellings are a second dwelling on a piece of property where a primary residence already exists. A once very common practice of having an apartment or secondary dwelling as a rental to supplement income or shelter an elderly or infirmed family member is still an allowable use in unincorporated Hillsborough County provided that certain conditions are maintained. These conditions are outlined in section 6.11.02 of Hillsborough County's *Land Development Code*, and include...

- ✦ A conforming residential lot, meaning that the lot conforms to the minimum size and dimensions required by the *Land Development Code*.
- ✦ Unless otherwise expressly permitted in a Planned Development, a minimum lot area of 7,000 square feet shall be required for the principle use.
- ✦ Limited to a maximum of 900 square feet of living space. In some cases, a variance may be granted for living space to 1,200 square feet or 25% of the living space in the principle dwelling on the lot, whichever is less.
- ✦ Accessory dwelling units shall meet principle building setbacks and shall contribute to lot building coverage. Total building coverage on the lot shall not exceed district standards.
- ✦ Accessory units may be above a garage only if the principle use is two stories or more, and may meet accessory unit setbacks rather than principle structure setbacks.
- ✦ The primary dwelling must be owner occupied.

Only one accessory dwelling is allowed per lot and the accessory dwelling must be located on the same parcel as the principal dwelling.

## Q Is a permit required for an accessory dwelling?

Permits are required for the construction of any dwelling in Hillsborough County pursuant to the County's *Construction Code*. However, while building permits are required for the construction of the dwelling, no zoning review is required. The conditions for the accessory dwelling must be adhered to at all times for the dwelling to be allowed to exist.

## Q What will happen if one of the required conditions is not being met?

If it is discovered that one or more of the defined conditions are being violated, the property owner will be issued a notice of violation by the Hillsborough County Code Enforcement Department. The notice will state what condition is being violated, and will describe what steps must be taken in order to correct the deficiency. If the condition cannot be met, the accessory dwelling cannot be permitted to exist. Any property owner who allows an accessory dwelling to exist in violation of this Code may have their case forwarded to the Code Enforcement Board where fines may be assessed and, if allowed to continue, there is a possibility of foreclosure.



### CODE ENFORCEMENT TIP OF THE MONTH

A monthly e-newsletter by the  
Hillsborough County Code Enforcement.

**Suggest topics and send comments to Kemly Green  
at [greenkj@hillsboroughcounty.org](mailto:greenkj@hillsboroughcounty.org)  
or call (813) 274-6675.**



Suspected violations can be reported in several ways:

- [www.hillsboroughcounty.org/hcce](http://www.hillsboroughcounty.org/hcce)
- 10119 Windhorst Rd. • 410 S.E. 30th St.  
Tampa, FL 33619 Ruskin, FL 33570
- (813) 274-6600 during normal business hours.
- (813) 272-5900 7 days a week from 7:30 a.m.- 11:00 p.m.