

Accessory Building/Structure Subcommittee Meeting Date: 11.19.2024 at 9:00 am

Items in Red- from P&Z meeting 2.5.2025

Attendees: Jerry Fleming, Michael Hall, Brian Nash, Nikki Stautzenberger, Ashley Wayman, Amanda Padilla (Principal Planner)

REPORT

We convened at approximately 9:00am. As a starting point, we reviewed the existing regulations referencing both “accessory structures” and “accessory buildings.”

Ms. Stautzenberger and Ms. Wayman provided background on why the issue was raised to the Planning & Zoning Commission, including that:

- “Structures” can be understood via building code to broadly to include items that are not typically viewed as a structure for minimum yard (i.e., setback) purposes, such as HVAC pads, sidewalks, retaining walls, and playsets/playhouses;
- Prior P&Z focus had been on “accessory building,” as distinct from “accessory structure”;
- Recent playsets/playhouses have raised questions on what restrictions (if any) might exist related to “accessory structures” and whether any are warranted;
- Typical height for playsets/playhouses that are purchased from, for example, Walmart, Sams, Costco, or Home Depot, range from 10 to 14 ft tall;
- No restrictions exist on treehouses, which often exceed 14 ft in height.

We discussed the competing concerns about allowing homeowners to use their yard as they want versus the potential for unreasonable imposition on neighboring properties. We discussed that building a child’s playset/playhouse is typical of our residential setting and to be encouraged, so long as it is a typical playset and not a separate, habitable “accessory building.” We also discussed that a reasonable tool shed is similarly typical of our residential setting and to be encouraged. We also discussed retaining walls and HVAC pads as not imposing on neighbors and traditionally not being treated as “structures” for minimum yard purposes.

We arrived at the following high-level conceptual recommendations:

- “accessory structures” includes structures that may not constitute an “accessory building” but are permanently affixed to the ground in some manner (e.g., with concrete footings), such as playhouses, playsets, tool sheds, green houses, and other similar structures not intended to be habitable.
- “accessory structures” should be permitted within the minimum side yards or back yards, but such structures should be less than 15 feet in height for portions

- that are within the minimum yard portions. We debated various heights and arrived at the number to allow a family to assemble a typical playhouse “kit” from Costco/Walmart, which appeared to be between 12ft and 14ft in height. Per city employees, such restrictions would not affect treehouses
- We did not believe restrictions were needed on placing concrete pads (e.g., for HVAC), sidewalks, retaining walls, or other similar structures

The meeting concluded at approximately 10:00am.

2/5/2025

Motion made by Genie Neyer, seconded by Tony Stein. Motion carried 3 for and 2 against (Hall & Fleming) to use the APA definition of playhouse and playscape to be:

- Playhouse & playscape means a freestanding structure, exclusively for the use of children, with a maximum height of 12 feet and an area not to exceed 120 square feet.
- Recommend that it be placed
 - 5' from the back property line
 - 10' from the side property line

Chair Dave Bench then made a motion, seconded by Genie Neyer, to send the above motion forward to Council and request additional guidance from Council if there is more that needs to be done in this area. The motion carried 5-0.