

# AGENDA ITEM SUMMARY SHEET

## City of Rollingwood

Meeting Date: October 2, 2024

**Submitted By:**

Staff

**Agenda Item:**

Discussion and possible action regarding the regulation of accessory buildings and structures

**Description:**

At the September City Council Meeting, the City Council had a discussion about accessory buildings and structures after a recent instance of a large children's playhouse being constructed in the city. Definitions of Accessory Building or Structure, Building and Structure were discussed as well as the regulations on Accessory Buildings or Structure.

After review of these definitions and how they had been applied, the City Council directed that this issue be sent to the Planning and Zoning Commission to discuss accessory buildings and structures in general so that Council can clarify what the intention of the code is and ensure that the language meets that intention.

While we have listed the current code sections below, we'd like to have a more broad discussion on what should or shouldn't be allowed when it comes to accessory buildings/structures so that we can have direction about any code amendments/clarifications that need to be made. Some of the questions we would like the Commission to discuss are:

- What should be considered an accessory building or structure?
- Where should accessory buildings or structures be allowed to be located?
- What restrictions should be imposed on accessory building or structures?

Here are the current code sections:

**Sec. 107-3. - Definitions.**

**Accessory building or structure** means a building or structure which does not share a common roof or common wall, including, but not limited to, a toolhouse, home workshop, greenhouse, garage, carport, children's playhouse, or swimming pool house, which:

- (1) Is located on the same lot as a dwelling;
- (2) Is subordinate in area to the dwelling and is used for a purpose customarily incidental to the dwelling;

- (3) Is detached from the dwelling except that a connected foundation or walkway may exist with the dwelling;
- (4) Does not provide complete independent living facilities for one or more persons which include permanent provisions for living, sleeping, and sanitation facilities; and
- (5) Is not used for lease or rental, or for a commercial purpose other than a home occupation by a resident of the main dwelling.

**Building** means any structure which is:

- (1) Permanently affixed to the land;
- (2) Has a roof supported by columns or walls; and
- (3) Is built for the enclosure, shelter or protection of persons, animals or property of any kind.

**Structure** means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but not limited to, signs, and excepting utility poles, berms, fences, mailboxes and retaining walls.

**Sec. 107-77. - Accessory buildings.**

- (a) No more than one accessory building may be located on a lot.
- (b) An accessory building may be located only in a rear yard or in a side yard that does not border a street.
- (c) An accessory building may not:
  - (1) Exceed one story in height;
  - (2) Exceed the height of the main building located on the same lot; or
  - (3) Exceed 500 square feet in area.
- (d) The exterior of an accessory building used as a detached garage shall match the exterior of the main building.
- (e) An accessory building may not be constructed until after commencement of construction of the main building, nor may an accessory building be used unless the main building on the lot is also being used.

**Sec. 107-76. - Minimum required depth and width of yards.**

- (a) In order to determine compliance with the minimum yard depth and width requirements of this section, measurements shall be made from the closest point on the foundation

line of a "qualified building," as the term is defined in this section, to either the lot line or street right-of-way line, whichever results in the shortest distance.

- (b) The front yard of each lot shall have a minimum depth of 30 feet. For purposes of this subsection, "qualified building" means either a main building, a garage, or a covered front porch or covered front terrace.
- (c) The side yard of each lot shall have a minimum width of:
  - (1) Ten feet, when the lot abuts another lot, except that the sum total of the two side yards of any lot shall not be less than 25 feet;
  - (2) Thirty feet, when the lot borders a street other than described in subsection (c)(3) of this section;
  - (3) Twenty feet, when two lots extend the length of one block and have abutting rear lot lines.

For purposes of this section, the term "qualified building" means a main building or accessory building.

- (d) The rear yard of each lot shall have a minimum depth of 20 feet. For purposes of this subsection, "qualified building" means an accessory building, or a main building or any projection thereof other than a projection of uncovered steps, or uncovered porches.
- (e) Eaves and roof extensions may overhang into any required side yard a maximum depth of 33 percent of the required side yard. Eaves and roof extensions may overhang into any required front or rear yard a maximum of five feet. All other ordinary projections of building features typically used in residential building construction, may overhang into any required yard a maximum of two feet.
- (f) Projections shall not contain habitable space, except for bay windows ten feet wide or less.
- (g) Chimneys may encroach into a required yard a maximum of two feet.

**Action Requested:**

No action requested at this time.

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time.

**Attachments:**

N/A