



Memorandum

Date: June 3, 2021
To: Planning and Zoning Commission
From: Lorie Dever, Planning Manager
Re: ITEM 4R
Study Session: Accessory Buildings and Uses

Purpose

During this study session, City staff will provide an overview of how the current development standards for “accessory buildings” are applied, how they work in conjunction with the Peoria Design Review Manual and building permit requirements, along with summarization of their effectiveness to date. Additionally, staff will seek the Planning and Zoning Commission’s feedback on a city-initiated amendment to Section 21-422 and Section 21-423, which is intended to update the development standards for these types of buildings while balancing impact to surrounding properties. As this item is informational in nature, the text amendment will be brought forward for formal consideration to Planning and Zoning Commission at a later date.

Background

The impetus of this text amendment stems from guidance received from the City Council’s Subcommittee on Codes during their review of the City’s regulations, policies and enforcement actions associated with “accessory buildings”. In this context, the term “accessory buildings” can be generally defined as those typical secondary buildings or structures that are placed on a lot after the primary residence has been built. For example, accessory buildings can be sheds, RV garages, ramadas, shade structures, and other similar buildings or structures. As such, the terms “accessory building” and “accessory structures” may be used interchangeably as they are regulated similarly within the Zoning Ordinance.

Given that regulatory enforcement of accessory buildings falls under the purview of several City departments, the Subcommittee held a collaborative dialog between the groups to better understand the evolution of the existing regulations, their effectiveness, and the resulting impact on neighbors. As a result, City staff was tasked with updating and potentially streamlining applicable regulations and processes for these types of buildings and structures.

Existing Standards

Zoning Ordinance Section 21-422 and Section 21-423 are the primary source of regulations for “accessory buildings”. Moreover, the two sections of the Zoning Ordinance help in determining the functional characteristics of these secondary buildings by regulating their maximum height, size, and locational criteria. Whereas, it is the Peoria Design Review Manual that would regulate the architectural aesthetics, or “look” of these building or structures if they meet the size thresholds. While the development standards for these buildings have been adjusted since their original adoption, they have remained largely unchanged for a considerable time.

Currently there is a multi-tiered approach for “Accessory Building” standards. This tiered approach applies to all Single-Family Residential Districts and has a number of caveats and exceptions as noted. In practice, the presence of the multiple tiers has led to confusion for property owners and contractors regarding what steps are required to be able to construct or install an accessory building. In particular, the current three-tiers do not neatly align with building permit requirements, nor identify that Design Review Manual requirements may be applicable.

For ease of reference in the discussion, a building permit is required when buildings are over two hundred (200) square feet in area, otherwise only an electrical or plumbing permit is needed if utilities are run to the building or structure. Additionally, the Peoria Design Review Manual requirements only apply to an accessory building that is over nine (9) feet in height or over three hundred (300) square feet in area. Thus, the compiled information for each tier is summarized as:

- A. < 8 feet in height **And** < 200 square feet in area
 - No rear or side setback
 - Design Review Manual provisions do not apply
 - No building permit required, if utilities are connected
- B. Between 8 feet to 9 feet in height **AND/OR** between 200-300 square feet in area
 - Minimum 3 foot rear and side setback
 - Design Review Manual provisions do not apply
 - Building permit required when the structure is over 200 square feet or has utilities connected
- C. ≥9 feet in height **AND/OR** ≥ 300 Square Feet in floor area
 - Must meet principal building setbacks (Typical = 15 Ft rear, 5Ft/15Ft side)
 - Setback Exception: If adjacent to golf course, well site, substation and similar, staff can administratively authorize a three foot rear and side building setback.
 - Needs to conform to principal building design (e.g. colors, style, materials)

Building permit required when the structure is over 200 square feet or has utilities connected
In addition to the multi-tiered development standards, there are dual building height limitations and restrictions on guesthouses /servant’s quarters. As part of the presentation, staff will provide examples of typical accessory buildings offered by retail stores and manufactures, along with how the City’s current accessory building standards would be applied.

Proposed Regulations

As illustrated above, the multi-tiered approach is often cumbersome for most homeowners and contractors to understand, and is challenging to enforce when a complaint is received. Based on the resulting discussion and guidance from the Subcommittee, planning staff is now looking at the current language in Section 21-422 and Section 21-423 to evaluate possible simplification of the existing regulations, while still appropriately addressing impacts and concerns from adjoining properties and residents. In particular, staff is proposing two tiers instead of three, and realigning the thresholds to be consistent with building permit requirements. Proposed revisions to these Sections are enclosed for reference and will be discussed more in depth during the study session with Planning and Zoning Commission.