



# PLANNING AND ZONING COMMISSION STAFF REPORT

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**Date** November 2, 2023

**To** Planning and Zoning Commission

**From** Lorie Dever  
Planning Manager

**Subject** Accessory Building Regulations  
Text Amendment (TA23-01)

## ***SUMMARY OF REQUEST***

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This is a city-initiated text amendment to the Zoning Ordinance pertaining to Accessory Buildings which is intended to streamline the regulations associated with these buildings, while balancing impact to surrounding properties. More specifically, staff is seeking modifications to these specific sections as follows:

**1. Section 21-202 Definitions**

Relocate and clarify the terms *Accessory Building*, *Accessory Use*, *Principal Building*, and *Principal Use*.

**2. Section 21-422 and 21-423**

Eliminate the existing three tier system for determining setbacks in favor of a simplified approach and inclusion of example graphics.

If approved, staff believes these code modifications will help clarify and modernize the applicable zoning regulations while still effectively addressing safety, functionality, and potential impact of these structures by placing appropriate restrictions on allowed building height and minimum setbacks.

## ***BACKGROUND***

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Zoning Ordinance Section 21-422 and Section 21-423 are the primary source of regulations for “accessory buildings”, which include, but are not limited to detached garages, sheds, pool ramadas, etc. More specifically, these two sections of the Zoning Ordinance help in determining the functional characteristics of these secondary or ancillary buildings by regulating their maximum height, size, and locational criteria. While the regulatory standards for these buildings have been adjusted since their original adoption, they have remained largely unchanged for a considerable time.

### **KEY ITEMS FOR CONSIDERATION:**

- The multi-tiered approach currently used to determine setbacks is often cumbersome for most homeowner’s and contractors to understand.

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- Regulatory enforcement of accessory buildings falls under the purview of several city departments and is challenging to enforce when a complaint is received.
- A collaborative dialog between the various city departments was held to better understand the evolution of the existing regulations, their effectiveness, and the resulting impact on neighbors prior to embarking on the code modifications.

### EXISTING REGULATORY STANDARDS

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Currently there is a multi-tiered approach for determining setbacks for “Accessory Buildings” as noted. This tiered approach applies to all “Single-Family” Residential Districts within Peoria, and has a number of caveats and exceptions as noted in the language itself. In practice, the presence of the tiers and the convoluted wording associated with them has led to confusion for property owners and contractors regarding where they are able to construct or install these types of buildings. Furthermore, the current approach relies on square footage as one of the criteria in determining setbacks; however, the square footage does not neatly align with building permit requirements, and contains a confusing correlation as to when design guidelines may be applicable.

For reference, the Peoria International Building Code requires a permit be obtained when buildings are over two hundred (200) square feet in size, or when a utility is added, such as electrical or plumbing. With those parameters for context, the criteria for each of the existing tiers is briefly summarized as follows:

- A. < 8 feet in Height AND < 200 Square Feet in floor area
  - No rear or side setback
  - No building permit required unless utilities are provided
  
- B. ≥ 8 feet AND ≤ 9 feet in Height OR ≥ 200 AND ≤ 300 Square Feet in floor area
  - Minimum three (3) foot rear and side setback
  - No building permit required unless utilities are provided
  
- C. > 9 feet in height AND/OR > 300 Square Feet in floor area
  - Must meet principal building setbacks  
(Typical would be minimum 15 Feet setback for Rear, 5 Feet / 10 Feet for interior side setbacks which is expressed as min side / total side when both sides are added together)
  - Setback Exception: If adjacent to a golf course, well site, substation and similar land uses, staff can administratively authorize a three (3) foot rear and side setback.
  - Building Permit required if the structure is over 200 square feet OR utilities are provided.

In addition to the multi-tiered setback standards, there are dual building height limitations and

restrictions on ‘guesthouses’ / ‘servant’s quarters’ within the same provisions (**Exhibit 3**). In particular, it is the presence of the dual height allowances and multi-tiered setback methodology within the Zoning Ordinance that have presented considerable challenges over the years for staff to administer, interpret, and enforce.

### ***PROPOSED REGULATIONS***

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Traditionally, “accessory buildings” are constructed or installed after the main home is built. As these buildings are primarily purchased and installed by property owners, or by contractors on their behalf, any proposed changes to the code language should be concise and straightforward in its approach, so that the regulations are easily understood by a range of stakeholders with varying technical knowledge. Secondly, there are residential communities throughout Peoria which have unique development standards; however, some or all of the regulations associated with accessory buildings may continue to apply. For example, the community may be zoned Planned Area Development (PAD) and have unique approved lot or building standards for the main home; however, these documents will often refer to a portion or all of Sections 21-422 and 21-423 for applicable accessory building regulations. At the same time, trying to address all of the frequently asked questions within the updated language was not possible, nor recommended if the objective was to have a progressive, adaptable, and streamlined code.

Given these dynamics, staff concluded that a two-pronged approach was best suited in formulating this code amendment. The first prong was development of code language to address the known inconsistencies and conflicts within the existing code. The resulting updated language is shown in **Exhibit 1**. To address the typical known anomalies or secondary questions not necessary best addressed within the code itself, the attached draft Detached Accessory Building Guide is proposed. (**Exhibit 2**) The combination of these instruments, along with an updated Single-Family Setback Guide now available on the City’s website, are expected to provide a more transparent, effective, and balanced approach to the city’s accessory building regulations.

### ***PREVIOUS EFFORTS***

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This code amendment has been in process for some time. This extended timeframe was in part waiting on the outcome of potential Arizona legislative action over the last two sessions regarding zoning regulations. While the results of these legislative cycles ultimately did not impact the scope of work contemplated with this code amendment, had certain legislation been passed and signed, the effect would have prompted an immediate expansion of the scope to address a number of housing related items, such as possible adoption of Accessory Dwelling Unit or ADU regulations. Given the current state of these efforts, staff desires to move forward with the Accessory Building code amendment as proposed, with the understanding that potential ADU regulations and other housing regulation changes could be part of a Phase 2 or “future” code amendment.

Aside from legislative considerations, staff wanted to ensure the proposed refinements to the code accomplished the desired objectives. When it became clear during early discussions with

external stakeholders that the initial code refinements missed the mark, the project was pulled back and reassessed. More specifically, in the initial approach, staff proposed two tiers instead of three, and realigning the thresholds to be consistent with building permit requirements. This methodology was presented and discussed at the June 3, 2021, Planning and Zoning Commission meeting. Based on feedback received from the Commission, along with subsequent input from other boards and commissions, staff concluded further examination and refinement of the proposed code changes was warranted. Consequently, a new streamlined approach is now being proposed by staff, which is reflected in the modified provisions shown in **Exhibit 1**.

### ANALYSIS OF REQUEST(S)

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The Accessory Building regulations focus on three key areas to address safety, functionality and potential impact on adjoining properties. They are: Location, Maximum Building Height, and Building Setbacks. Each of areas is discussed more in depth below.

**Location:** Placement or locational restrictions do not change with this amendment. More specifically, the prohibition of allowing detached accessory buildings in the front yard continues.

When casitas are proposed “in front” of the home, they are physically attached to the main home, so they are not considered a “detached” accessory building in this case. Rather, they are considered part of the main building and would need to comply those setbacks.

**Maximum Building Height:** Maximum building height for accessory buildings is currently dependent on which zoning district the property is located in. Either these buildings may not exceed twenty (20) feet in height, or alternatively twenty-five (25) feet in height, whereas the maximum building height for the main home is thirty (30) feet in every single-family residential zoning district. From an enforcement perspective, the inequity created by the dual provision brought the overall effectiveness of this provision in question. After careful consideration and feedback from a variety of stakeholders, a uniform maximum accessory building height of twenty-five (25) feet for all single-family residential zoning districts was proposed. By doing so, this eliminated the perceived inequity of the provisions.

**Building Setbacks:** For the update, the existing multi-tiered criteria was abandoned in favor of a graduated setback approach, which has been successfully implemented in other local jurisdictions. In adopting this approach, the key was to establish a “reasonable” baseline building height at the property line, and this does vary by the jurisdiction. More specifically, this determines the setback based on the height of a given accessory building, and as the building height increases the setback regulations take effect to push the building back.

In this instance, the majority of the Peoria stakeholders interviewed during this process articulated that they felt the buildings had a visual impact on neighbors once they were over eight (8) feet at the property line. For reference typical side and rear yard screen walls are approximately six (6) to seven (7) feet in height. Further, they identified that if buildings were eight (8) feet or under in height, they were fine to be located adjacent to the side or rear

property line, so long as the runoff from the roof did not flow onto the adjoining property. This feedback then informed the basis of the proposed setback regulations, which are:

- **Eight (8) feet or less in height:** No setback required from rear or side property line.
- **Greater than eight (8) feet in height:** Any portion of the accessory building above eight (8) feet in height shall be set back from the rear and side property line at a one-to-one ratio of height to setback, until the point where the accessory building complies with the minimum principal building side and rear setbacks of the applicable zoning district. When the principal building setbacks are reached, then the accessory building can go up to the maximum accessory building height of twenty-five (25) feet.

The revised text, along with the two example graphics provided, are meant to help quickly and easily convey the requirements to the customer. **(Exhibit 1)** Therefore, staff believes the refined text for building setbacks now meets the objectives set out for the code amendment, and as mentioned, similar approaches have been successful in other locations.

### COMMUNITY INVOLVEMENT

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#### *Outreach Process*

There were over twenty (20) informal study sessions with various Peoria Boards and Commissions during the update to Peoria Community Design Guidelines (formerly the Design Review Manual. Several of these meetings focused solely on single-family design expectations, and by extension included discussion about one or more regulatory components associated with accessory buildings given the interwoven nature of the development standards and design expectations. Aside from these ancillary board or commission meetings, the Accessory Building text amendment has been presented and discussed at the following public meetings:

- March 5, 2020, Planning and Zoning Commission as a study session item. No public comments were received.
- June 3, 2021, Planning and Zoning Commission as a study session item. No public comments were received. *Proposed setback regulations were subsequently re-evaluated based on Commissioner feedback.*
- March 2, 2023, Planning and Zoning Commission as a study session item. No public comments were received.

During the March 2, 2023 meeting, the Commission asked staff to extend public noticing beyond typical requirements and include targeted stakeholder outreach. The extended public noticing effort began on April 27, 2023, and included a variety of noticing methods:

- Posting of the information on the City's website;
- A blurb in the April 2023 Peoria Business Concierge newsletter;
- Targeted email blast to all registered HOA contacts; and
- Emails to WeSERVE and the Homebuilder's Association representatives.

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The 30-day comment period ended on May 29, 2023. No comments being received, and no one asked to be included as a stakeholder for future updates.

### *Public Noticing*

The application was properly noticed pursuant to the Peoria Zoning Ordinance, which includes placing an ad in the Peoria Times at least fifteen (15) days prior to the Public Hearing.

### *Support / Opposition*

At the time of this writing, the staff has not received public comments supporting or opposing the proposed Zoning Ordinance Text Amendment.

## ***KEY FINDINGS***

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- The draft code was produced from a collaborative dialog between various City departments and Peoria stakeholders.
- The proposed Accessory Building regulations will be more user-friendly for all who reference it, ranging from residents, contractors, and City staff.
- These regulations result in a more effective balance in addressing safety, functionality, and potential impact of these buildings on adjoining properties.

## ***POSSIBLE ACTIONS / OPTIONS***

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- A:** Approve as recommended by staff; or
- B:** Approve in part or with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely.

## ***RECOMMENDATION***

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Staff recommends that the Planning and Zoning Commission take the following action:

- 1) Recommend approval of Case TA23-01 to the City Council.**

## ***STAFF CONTACT***

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