

Chair  
Tony Feiter

Vice-Chair  
Jeff Nelson

Secretary  
Joysaphine  
Waitman

Member  
Clay Allsop

Member  
Layla  
Villasenor

Member  
Vacant

Member  
Vacant

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# Planning and Zoning Commission Meeting Notice & Agenda

Thursday, November 2, 2023  
City Council Chamber  
8401 West Monroe Street  
Peoria, AZ 85345



## Regular Meeting 6:30 PM

Convene  
Opening Statement  
Roll Call  
Final Call to Submit Speaker Request Forms

**NOTE:** The City of Peoria Boards and Commissions may go into Executive Session at any time during this meeting pursuant to A.R.S. 38-431.03(A)(2) for the purpose of discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained confidential by state or federal law, and pursuant to A.R.S. 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the attorney or attorneys of the public body.

## Consent Agenda

**CONSENT AGENDA:** All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

## Consent

1 C Minutes

Discussion and possible action to approve the minutes of the August 17, 2023 meeting.

## **Regular Agenda**

**REGULAR AGENDA:** All items listed on the Regular Agenda are considered public hearing items subject to separate discussion and action by the Commission unless indicated otherwise by the Commission Chair or by the agenda item description. The order in which the following items are heard may be altered at the discretion of the Commission Chair.

### **New Business**

#### **2 R Accessory Buildings: Text Amendment (TA23-01)**

Discussion and possible action on a city-initiated Text Amendment to modify Section 21-202 “Definitions”, Section 21-422, “Property Development Standards for Permitted Accessory Buildings”, and Section 21-423 “Exceptions” of the Zoning Ordinance regarding accessory building regulations.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action**

#### **3 R Upcoming FY24-25 Zoning Code Amendments**

Presentation and possible discussion on efforts to proactively reposition Zoning Ordinance regulations associated with commercial, employment, and home occupation businesses within Peoria.

### **Call To The Public (Non-Agenda Items)**

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

### **Reports from Staff**

#### **4 R Reports**

##### **A. Upcoming Commission Meetings**

### **Planning and Zoning Commission Updates and Report of Current Events:**

Planning and Zoning Commission members will give updates on relevant events and activities they have attended since the last meeting. These items are for information only - no action will be taken.

### **Adjournment**

**NOTE:**

Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

***Accommodations for Individuals with Disabilities.*** *Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.*

**Public Notice**

In addition to the Board/Commission members noted above, one or more members of the Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and zoning commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/government/departments/planning-and-zoning/planning-and-zoning-videos>.

**PLANNING AND ZONING COMMISSION MINUTES**  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBERS  
AUGUST 17, 2023

A meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:30 p.m.

**Members Present:** Chair Tony Feiter, Vice-Chair Jeff Nelson, Secretary Joysaphine Waitman, Commissioner Layla Villasenor and Commissioner Clay Allsop

**Members Absent:** None

**Others Present:** Chris Jacques – Planning and Community Development Director, Lorie Dever – Planning Manager, Cody Gleason – Principal Planner, Robert Kuhfuss – Senior Planner, Chris Lemka – City Traffic Engineer, Michael Dynes – Assistant City Attorney and Della Ernest – Executive Assistant.

**Audience:** 60

**Note:** The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

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**CONSENT AGENDA**

All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absence of Commissioner Robyn Uptegraff from the July 20, 2023 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the July 20, 2023 meeting.

3C **Dutch Bros. on Olive Avenue: Conditional Use Permit (CU23-05)**

A request to obtain a Conditional Use Permit to allow a new drive-through restaurant on a vacant 0.98 acre site, located north of the northeast corner of 91<sup>st</sup> Avenue and Olive Avenue.

**COMMISSION ACTION:**

Commissioner Allsop moved to approve the consent agenda as presented. The motion was seconded by Vice-Chair Nelson and upon vote, passed unanimously 5-0.

## REGULAR AGENDA

### New Business

#### 4R **Vistancia: Major Planned Community District Amendment (Z01-10A.16)**

Discussion and possible action to amend the existing Vistancia Planned Community District (PCD) to increase the maximum dwelling units from 10,500 to 12,000 and allocating those additional units to the Commercial Core (Village D). This proposal also removes two potential golf courses located north of the Central Arizona Project (CAP) Canal, and includes formatting refinements for increased usability. The property is located south of the southeast corner of El Mirage Road and Lone Mountain Parkway.

The staff report was presented by Ms. Lorie Dever, Planning Manager.

#### **PUBLIC COMMENT:**

**Mr. Bill Lally of Tiffany & Bosco**, representing the owners of Vistancia, provided some history of Vistancia's master-planned community. Mr. Lally showcased some successful mixed-used examples located throughout the Valley. Mr. Lally confirmed the hearing information was sent to almost 8,000 residents in the community.

**Mr. Thomas Alberte**, a resident spoke in opposition of the proposed amendment.

**Mr. Howard Lago**, a resident spoke in opposition of the proposed amendment.

**Mr. Robert Wendel**, a resident spoke in opposition of the proposed amendment.

**Ms. Judith Cornelios**, a resident spoke in opposition of the proposed amendment.

**Mr. Tod Cushing**, a resident, spoke in opposition of the proposed amendment.

**Mr. Thomas Bottorf**, a resident, spoke in support of the proposed amendment.

**Mr. Chris Spalding**, a resident, spoke in support of the proposed amendment.

**Ms. Peggy Neely**, a resident, spoke in favor of the proposed amendment.

**Ms. Lawrence Bottorf**, a resident, spoke in favor of the proposed amendment.

**Mr. Joe Clure**, a resident, spoke in favor of the proposed amendment.

**Mr. Paul Barkley**, a resident, spoke in favor of the proposed amendment.

**Ms. Katie Roe**, a resident, spoke in favor of the proposed amendment.

**Ms. Laura Hernandez**, a resident, spoke in favor of the proposed amendment.

**Ms. Jen Sinconis**, a resident, spoke in favor of the proposed amendment.

#### **COMMISSION COMMENTS:**

Vice-Chair Nelson stated concerns regarding school overcrowding and asked what is the difference in student generation between multifamily versus sing-family residences.

Mr. Chris Jacques stated the Peoria Unified School District calculates student

generation as 0.2 students per multi-family unit and 0.42 students per single-family unit.

Commissioner Allsop asked for clarification on the number of letters received and signees for the petition.

Ms. Dever confirmed of the 838 signees for the petition, 218 identified as residents of Vistancia. For correspondence, Ms. Dever indicated staff counted number of people that contacted the city instead of number of emails received.

Chair Feiter asked how many stories would the maximum building height of 85 feet allow for the apartments.

Ms. Dever indicated that number of stories is often dependent on the type of construction selected and uses within the building. For example, a ground floor on a multi-story apartment complex or professional office building will likely have a twelve feet or greater ceiling height, which is still considered just one-story. Upper floors in the same building may be anywhere from eight to ten feet in height. In many instances, the differential between ground to ceiling height for each “floor” can cause significantly impact the number of stories for a building, so instead staff requests all maximum building heights to be denoted in feet rather than number of stories.

Secretary Waitman asked about the timing of widening of El Mirage and other adjacent roadways where needed.

Mr. Chris Lemka stated the thresholds for widening for Lone Mountain and El Mirage roads happens at 15,000 cars per day, and again at 33,000 cars per day. Traffic staff monitors this annually. Currently they are built with two lanes each way, and once 33,000 cars per day is reached, they will be widened to three lanes in each direction.

Commissioner Nelson asked what is the price point or expected rates for the additional apartments within the Commercial Core area.

Mr. Lally stated that it would be “market-rate” for a higher end master planned community such as Vistancia.

**COMMISSION ACTION:**

Commissioner Allsop moved to approve item 4R Case Z01-10A.16. The motion was seconded by Commissioner Villasenor and upon roll call vote, passed unanimously 5-0.

**Call to the Public (Non-Agenda Items):** None

5R **Reports from Staff**

A. **Upcoming Commission Meeting Dates**

There is no meeting September 7<sup>th</sup>. The next meeting is September 21, 2023.

**Planning and Zoning Commission Updates and Report of Current Events:**  
None

**Adjournment:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:23pm.

\_\_\_\_\_  
Tony Feiter, Chair

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Submitted by Della Ernest

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

DRAFT



# **PLANNING AND ZONING COMMISSION REPORT**

**Meeting** November 2, 2023

**Date:**

**Agenda Item:** 2R

**Case Name:** Accessory Buildings: Text Amendment (TA23-01)

## **General Application Information**

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*Proposal:*

Discussion and possible action on a city-initiated Text Amendment to modify Section 21-202 "Definitions", Section 21-422, "Property Development Standards for Permitted Accessory Buildings", and Section 21-423 "Exceptions" of the Zoning Ordinance regarding accessory building regulations.

*Location:*

Citywide

*Project Acreage:*

N/A

*Applicant:*

City of Peoria

### **ATTACHMENTS:**

Description

Staff Report

Exhibit 1 - Proposed Code

Exhibit 2 - Draft Accessory Building Guide

Exhibit 3 - Existing Regulations





# 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.

- 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.

## ACCESSORY BUILDING REGULATIONS - TEXT AMENDMENT (CASE TA23-01)

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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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Lorie Dever  
Planning Manager  
623-773-5168  
Lorie.dever@peoriaaz.gov

**(Draft Version Showing Proposed Modifications)**

**Amendment for Adoption to the  
Peoria City Code, Chapter 21 - Zoning**

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**HOW TO READ THIS DOCUMENT**

Unless otherwise stated, provisions or regulations being deleted are shown in bold red strikethrough text or a line through the graphic, like this: ~~**Provisions that are being deleted are shown with a bold red strikethroughs text.**~~ Graphics containing bold red strikethrough are intended to remove the graphic in its entirety as well as any text that is embedded in the graphic.

Provisions or regulations that are being added are shown in double-underlined bold blue text, like this: **Provisions that are being added are shown in double-underlined bold blue text.** Graphics containing a bold double blue box are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Only those changes noted through the above methods for the specific sections and subsections of the code identified shall be made. When regulations, graphics or other text is omitted, or is shown unchanged in adjoining sections or subsections of the code, it shall remain unchanged.

## Exhibit 1 – Accessory Buildings and Uses: Text Amendment (TA23-01)

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### Section 1. Amend Chapter 21 - Zoning, Section 21-200 Definitions, as follows:

#### **Sec. 21-202. Definitions.**

- A. The word occupied and the word used shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word dwelling includes the word residence; the word lot includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows:

#### **A**

Accessory Building means a subordinate building on the same lot with a principal building, which is customarily accessory and incidental to the principal building.

Accessory Use means a subordinate use customarily incidental to and conducted on the same lot with the principal use.

#### **B**

*Building* means any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind, including, but not limited to, tents, awnings, carports, ramadas, mobile homes or vehicles situated on private property and used for purposes of a building.

~~1. Principal building means a building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.~~

~~2. Accessory building means a subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered as part of the principal building for purposes of setback and yard regulations.~~

#### **P**

Principal Building(s) means a building, or a group of buildings, where the principal use on a lot is conducted.

Principal Use means the primary or predominant use of property.



## Exhibit 1 – Accessory Buildings and Uses: Text Amendment (TA23-01)

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### Section 2.     Amend Chapter 21 - Zoning, Section 21-400 Residential Districts, as follows:

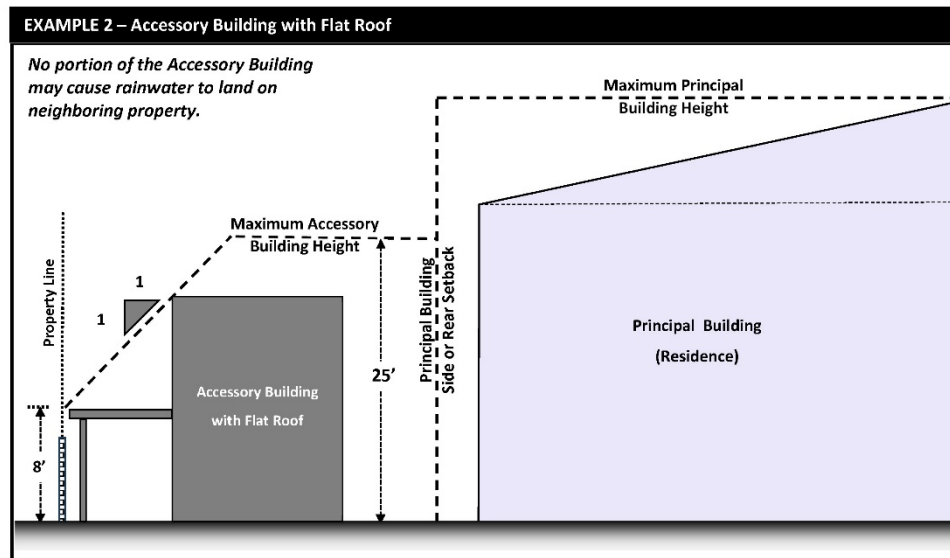
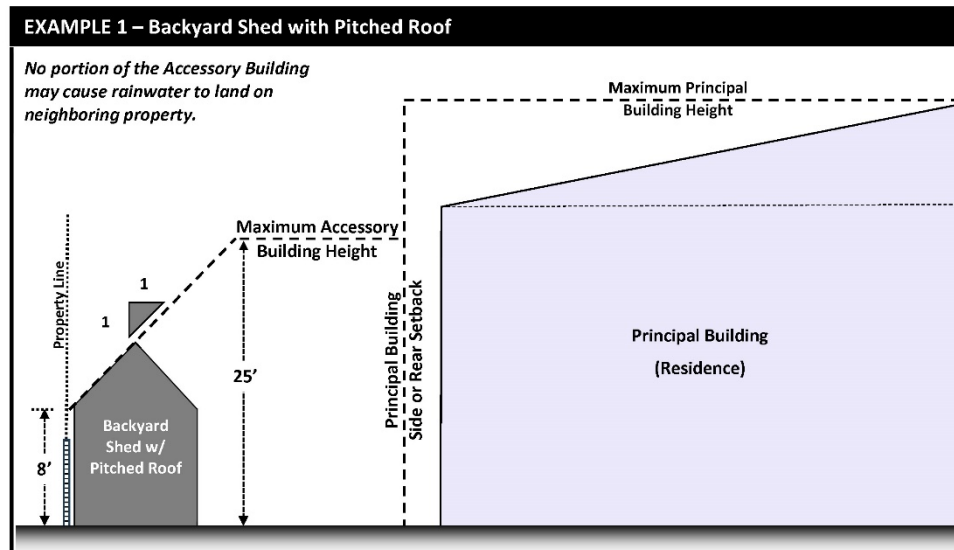
#### **21-422 Property Development Standards for Permitted Accessory Buildings**

~~When not part of the principal building, accessory buildings shall be subject to the limitations contained in this Section and as otherwise set forth in the Peoria City Code. Accessory buildings attached to the principal building shall be subject to all applicable provisions of the Peoria City Code which would be applicable to the Principal building. Nothing herein is intended to relax the building code or other applicable City standards.~~

- ~~A. Maximum Height. The height of an accessory building shall not exceed twenty (20) feet in height except in the R1-18 and R1-35 zoning districts OR other zoning districts with minimum lot sizes 18,000 square feet or greater. Where a property is located in a zoning district with a minimum lot size of 18,000 square feet or greater, all accessory buildings shall have a maximum height of twenty five (25) feet.~~
- ~~B. No accessory building shall be located in any front yard.~~
- ~~C. A detached accessory building, less than eight (8) feet in height and with a total floor area or projected roof area which does not exceed two hundred (200) square feet, may be located in the required side or rear yard adjacent to the property line provided the structure is not served by utilities and is screened from public view.~~
- ~~D. A detached accessory building between eight (8) and nine (9) feet in height or greater than two hundred (200) square feet in area, may be located a minimum of three (3) feet from the side or rear property line provided the structure is screened from public view.~~
- ~~E. Accessory buildings exceeding nine (9) feet in height and/or three hundred (300) square feet in area shall meet the required setbacks of the respective zoning district. Accessory buildings exceeding nine (9) feet in height and located along property lines abutting golf courses, water tanks, well sites, utility substations, water treatment plants and similar land uses as determined by the Planning Manager shall be allowed a three (3) foot side or rear setback provided that the height of the structure shall not exceed the height of the principal building.~~
- ~~F. Accessory buildings nine (9) feet in height or greater OR three hundred (300) square feet or greater shall conform to the City of Peoria Design Review Manual.~~
- ~~G. All structures shall be located in accordance with any applicable City building and/or fire code.~~
- A. Detached Accessory Buildings. When detached from the principal building, accessory buildings shall comply with the development standards identified in the requirements of this subsection. Play structures, or similar appurtenances as determined by the Zoning Administrator, are exempt from the provisions of this subsection.
  - 1. The height of an accessory building shall not exceed twenty-five (25) feet.
  - 2. No detached accessory building shall be located in any front yard.
  - 3. The aggregate square footage of the principal building and all accessory building(s) on a lot shall not exceed the maximum lot coverage of the applicable zoning district.
  - 4. Side and Rear Setbacks:
    - a. Eight (8) feet or less in height: No setback required from rear or side property line.

## Exhibit 1 – Accessory Buildings and Uses: Text Amendment (TA23-01)

- b. 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 such point where the accessory building complies with minimum principal building side and rear setbacks of the applicable zoning district.



## Exhibit 1 – Accessory Buildings and Uses: Text Amendment (TA23-01)

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### 21-423 ~~Exceptions~~ Reserved

- ~~A. Side yards, interior lots of record. On each lot or record, having a width of fifty (50) feet or less, the least side yard shall have a width not less than three (3) feet, and the other side yard shall have a width not less than seven (7) feet, and the aggregate width of both side yards shall be not less than ten (10) feet upon adoption of this Ordinance.~~
- ~~B. Detached guesthouses or servant's quarters. Detached guesthouses and servant's quarters are permitted in any R1-35 and R1-18 districts; provided, however, that they shall conform to all yard requirements applicable to the accessory building.~~



# DETACHED ACCESSORY BUILDING GUIDE

GARAGES, RAMADAS, STORAGE SHEDS, WORKSHOPS, GAZEBOS, ETC.

An accessory building is a detached building or structure located in the rear and/or side yard, such as a garage, shed, pool ramada, etc. The city regulates these buildings through its adopted Planning, Building and Engineering Standards. The intent of these regulations is to address safety, functionality, and potential impact of these structures by placing restrictions on allowed building height and minimum setbacks.

- **Do I need a permit to install or modify an existing Accessory Building on my property?**

The International Building Code (IBC) requires a permit be obtained when:

- 1) Buildings or structures are greater than 200 square feet in size, or
- 2) When a utility is added, such as electrical or plumbing.

For Building Permit Info: Email [Building.Applications@peoriaaz.gov](mailto:Building.Applications@peoriaaz.gov) or call 623-773-7225 and select Option 1.

- **My community has a Homeowners Association. Don't I need to just follow their regulations?**

- HOA regulations can either be more restrictive, or alternatively, they may be more lenient compared to city regulations.
- When a building permit is required, the city will only review for compliance with city standards. If HOA regulations are more lenient than the city's requirements, the accessory building is still required to meet the minimum City regulations.
- It is incumbent for the homeowner to work with their HOA to ensure compliance with applicable HOA regulations. Should you have any questions about HOA regulations for accessory buildings, contact your HOA representative or board.

- **Do these regulations apply to my property?**

- Section 21-422 and 21-423 of the Zoning Ordinance identifies the accessory building regulations for the majority of the City's single-family residential zoning districts.
- Properties zoned as Planned Area Development (PAD) or Planned Community District (PCD) may or may not have unique development standards approved for that particular community.

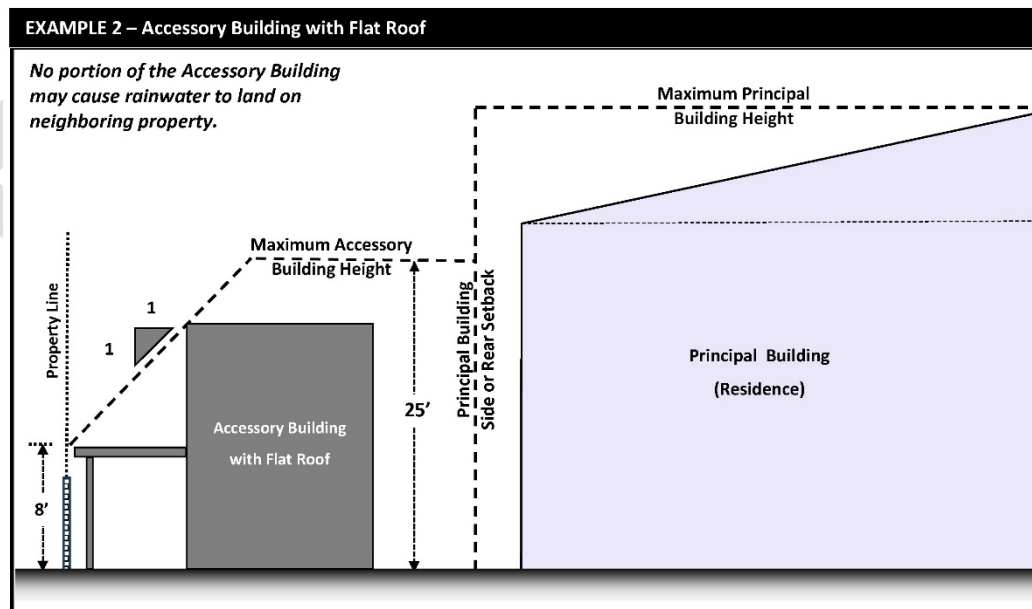
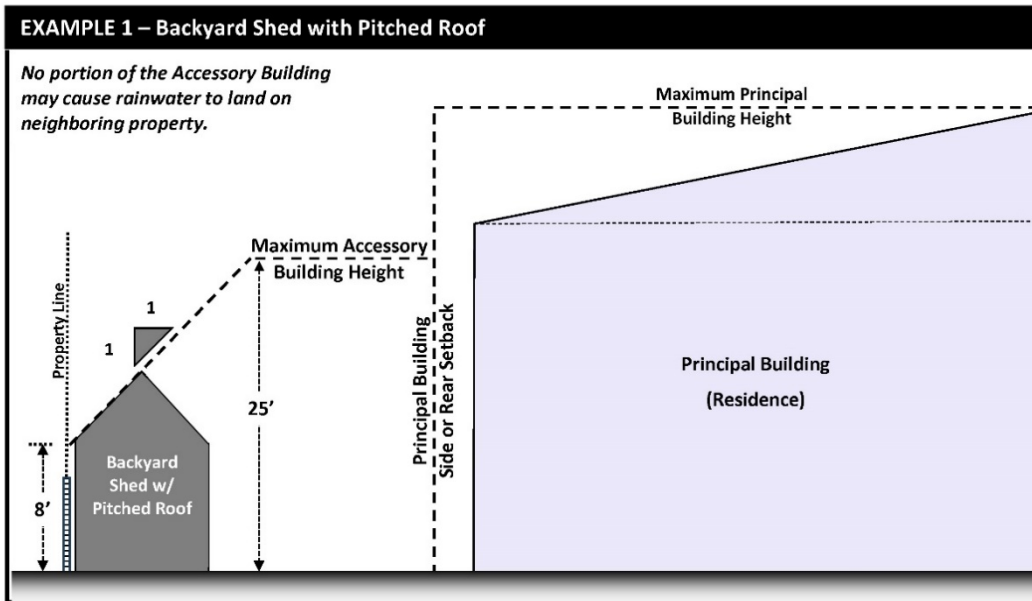
To check which accessory standards apply, visit: [www.peoriaaz.gov/planning](http://www.peoriaaz.gov/planning) - click on the Approved Plans & Projects link and select your community's PAD or PCD Standards and Guidelines Report.

- Even if you have unique development standards for your property, contact staff to determine applicable city building and engineering standards.

- **Overview of City Accessory Building Regulations**

- **Exceptions:** Play structures and similar appurtenances, as determined by the Zoning Administrator, are exempt from these regulations.
- **Location Restrictions:**
  - Detached accessory buildings are not permitted in the front yard.
  - Buildings cannot be situated where they will direct rainfall onto adjoining neighboring properties.
- **Lot Coverage:** The combined square footage for your home and accessory building(s) must not exceed the maximum lot coverage requirements for the applicable zoning district.
- **Design Requirements:** Design guidelines may be applicable depending on the size and type of accessory structure or building proposed. Refer to the City's Community Design Guidelines for more information: <https://www.peoriaaz.gov/business/development-services/city-codes-and-regulations>

- **Maximum Height:** Maximum building height shall not exceed twenty-five (25) feet tall. p
- **Setbacks:** These are based on the height of the accessory building as follows:
  - **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 such point where the accessory building complies with minimum principal building side and rear setbacks of the applicable zoning district.



**Need Principal Building Setback Information?** Refer to the Zoning Ordinance on the City's website at [www.peoriaaz.gov/planning](http://www.peoriaaz.gov/planning) - click on Codes, Policies & Standards link. Alternatively, the city offers the following as a quick reference guide: [Single-Family Residential District Setback Guide](#)

## City of Peoria | Existing Regulations for Accessory Buildings

*The following definition within Sections 21-202, along with regulations within Sections 21-422 and 21-423 identified below encapsulate applicable accessory buildings regulations within the SR-43 to R1-6 Single-family Residential Zoning Districts.*

### Sec. 21-202 Definitions

- A. The word occupied and the word used shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word dwelling includes the word residence; the word lot includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows:

#### ***B***

*Building* means any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind, including, but not limited to, tents, awnings, carports, ramadas, mobile homes or vehicles situated on private property and used for purposes of a building.

- 1. Principal building means a building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.
- 2. Accessory building means a subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered as part of the principal building for purposes of setback and yard regulations.

### 21-422 Property Development Standards for Permitted Accessory Buildings

When not part of the principal building, accessory buildings shall be subject to the limitations contained in this Section and as otherwise set forth in the Peoria City Code. Accessory buildings attached to the principal building shall be subject to all applicable provisions of the Peoria City Code which would be applicable to the Principal building. Nothing herein is intended to relax the building code or other applicable City standards.

- A. Maximum Height. The height of an accessory building shall not exceed twenty (20) feet in height except in the R1-18 and R1-35 zoning districts OR other zoning districts with minimum lot sizes 18,000 square feet or greater. Where a property is located in a zoning district with a minimum lot size of 18,000 square feet or greater, all accessory buildings shall have a maximum height of twenty-five (25) feet.
- B. No accessory building shall be located in any front yard.
- C. A detached accessory building, less than eight (8) feet in height and with a total floor area or projected roof area which does not exceed two hundred (200) square feet, may be located in the required side or rear yard adjacent to the property line provided the structure is not served by utilities and is screened from public view.
- D. A detached accessory building between eight (8) and nine (9) feet in height or greater than two hundred (200) square feet in area, may be located a minimum of three (3) feet from the side or rear property line provided the structure is screened from public view.

## City of Peoria | Existing Regulations for Accessory Buildings

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*The following definition within Sections 21-202, along with regulations within Sections 21-422 and 21-423 identified below encapsulate applicable accessory buildings regulations within the SR-43 to R1-6 Single-family Residential Zoning Districts.*

- E. Accessory buildings exceeding nine (9) feet in height and/or three hundred (300) square feet in area shall meet the required setbacks of the respective zoning district. Accessory buildings exceeding nine (9) feet in height and located along property lines abutting golf courses, water tanks, well sites, utility substations, water treatment plants and similar land uses as determined by the Planning Manager shall be allowed a three (3) foot side or rear setback provided that the height of the structure shall not exceed the height of the principal building.
- F. Accessory buildings nine (9) feet in height or greater OR three hundred (300) square feet or greater shall conform to the City of Peoria Design Review Manual.
- G. All structures shall be located in accordance with any applicable City building and/or fire code.

### **21-423 Exceptions**

- A. Side yards, interior lots of record. On each lot or record, having a width of fifty (50) feet or less, the least side yard shall have a width not less than three (3) feet, and the other side yard shall have a width not less than seven (7) feet, and the aggregate width of both side yards shall be not less than ten (10) feet upon adoption of this Ordinance.
- B. Detached guesthouses or servant's quarters. Detached guesthouses and servant's quarters are permitted in any R1-35 and R1-18 districts; provided, however, that they shall conform to all yard requirements applicable to the accessory building.



**City of Peoria**  
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## Memorandum

Date: November 2, 2023  
To: Planning and Zoning Commission  
From: Lorie Dever, Planning Manager  
Re: **ITEM 3R**  
Upcoming FY24-25 Zoning Code Amendments

### **BACKGROUND**

Peoria has the ability and the desire to be proactive in positioning the community for increased economic prosperity through innovative economic development initiatives and strategic redevelopment. Through its continued strategic efforts, the City of Peoria is committed to increasing its economy vitality by supporting a diverse local economy and expanded tax base by targeting high-quality growth on existing designated job-generating land. To this end, retaining and leveraging existing *Commercial* and *Employment* designated lands are critically important to the long-term economic health of the city.

As an implementation instrument for the General Plan, the City's Zoning Ordinance performs a vital role in how these commercial and employment lands are ultimately developed. As such, it is essential that the regulations for these uses in the Zoning Ordinance are reflective and effective in achieving Peoria's economic vision. In this regard, there have been concerns expressed by the community regarding the effectiveness of the existing commercial and employment regulations. Therefore, the Planning Department is embarking on one or more strategic code amendments within the FY24-25 timeframe to achieve the following:

- Improve adaptability and effectiveness of commercial and employment land use classifications;
- Consolidate and clarify definitions;
- Reduce proliferation or saturation of less desirable land uses;
- Streamline secondary land use review processes where appropriate; and
- Enhance and improve effectiveness of operational limitations to ensure public health and safety.

### **DISCUSSION**

During tonight's meeting, staff will brief the Planning and Zoning Commission and seek feedback regarding potential code amendments associated with specific commercial, employment and home occupation businesses within Peoria.