

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS ENUMERATED) OF PART 2 (DEFINITIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS), SECTION 105 (ADDITIONAL STANDARDS FOR SPECIFIC USES ALLOWED IN RESIDENTIAL ZONES) OF PART 1 (RESIDENTIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS), SECTION 105 (THRESHOLD OF REVIEW) OF PART 1 (PURPOSE; REVIEW AUTHORITIES) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES), AND CREATING A NEW PART 18 (FRONT YARD CARPORTS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO FRONT YARD CARPORTS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.201: DEFINITIONS ENUMERATED:

* * *

CARPORT: A permanent structure consisting of a roof and supported on posts with three or four open sides used as a minimal shelter for an automobile. It may be freestanding or attached to another structure on one side.

* * *

Section 2. Section 105 (Additional Standards for Specific Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning

Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC USES ALLOWED IN RESIDENTIAL ZONES:

* * *

A. Accessory Uses And Structures: **Except as specifically stated,** Accessory uses which comply with this section are permitted in any zone district, but only in connection with a principal use which is permitted within the district. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is an accessory. The use of vehicles as storage structures or as other types of accessory structures is prohibited.

* * *

1. * * *

a. Accessory structures are not allowed in the front yard setback, **except where specifically allowed.** The structure/use shall maintain the minimum side yard setbacks for the zone in which it is located;

* * *

C. Carports And Garages: Carports and/or garages are allowed in any zone district as an accessory use, but only in connection with a principal use. Except as otherwise **stated herein and** provided in part 9 of this article, the maximum capacity and size of any combination of attached or detached private parking garages or carports associated with one dwelling unit are as follows:

1. * * *

6. Carports are allowed in the front yard setback as an accessory use to a Single-family Dwelling Detached or a Two-family Dwelling in the A, R, R-1 6000, R1-9000, R-2, R-4 and single-family PUD zone districts. All conditions and requirements for front yard carports are listed in article 5, part 18 of this chapter.

* * *

Section 3. Section 105 (Threshold of Review) of Part 1 (Purpose; Review Authorities) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.105: THRESHOLD OF REVIEW:

* * *

Application Type	Reviewing Authority	Review Process	Appeal Process
* * *			
Administrative permits:			
* * *			
Front Yard Carports	CD	Administrative	PC (10 days)
* * *			

* * *

Section 4. Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.906: APPEALS:

A. * * *

2. * * *

b. * * *

(11) Part 18 of this article (front yard carports)

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Section 5. Part 18 (Front Yard Carports) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

PART 18: FRONT YARD CARPORTS

7.5.1801: PURPOSE:

7.5.1802: PERMIT REQUIRED AND APPLICATION:

7.5.1803: FRONT YARD CARPORT PERMIT REVIEW CRITERIA:

7.5.1804: CONDITIONS OF APPROVAL

7.5.1805: RULES AND REGULATIONS

7.5.1801: PURPOSE:

The purpose of the front yard carport permit is to facilitate the permitting of front yard carports subject to appropriate restrictions and standards while retaining the character of residential neighborhoods.

7.5.1802: PERMIT REQUIRED AND APPLICATIONS:

- A. A front yard carport permit, as approved by the Manager, is required in order to place a carport in a front yard setback.
- B. The front yard carport permit runs with the property and expires automatically upon the removal or destruction of the front yard carport or of the Single-family Dwelling Detached or Two-family Dwelling.
- C. Applicants shall submit a complete application which contains such information as required by the Manager and shall pay all fees required for a permit application. The application shall be reviewed administratively by the Manager.
- D. The Manager shall notify vicinity property owners of the application by mailed public notice, pursuant to section 7.5.902(C)(3) of this code, at least ten (10) days prior to administrative approval of the permit application.

7.5.1803: FRONT YARD CARPORT PERMIT STANDARDS AND REVIEW CRITERIA:

The Manager may approve or approve with conditions an application for a front yard carport in connection with a Single-family Dwelling Detached or a Two-family Dwelling in the A, R, R-1 6000, R-1 9000, R-2, R-4 and single-family PUD zone

districts upon a finding that the application complies with the following standards and criteria:

A. The front yard carport shall comply with all applicable provisions of the Pikes Peak Regional Building Code.

B. The front yard carport shall not exceed five hundred (500) square feet, or the maximum allowable parking and maneuvering area pursuant to section 7.4.206.E of this Code.

C. The front yard carport shall be set back at least five (5) feet from the near edge of the adjacent sidewalk, if any, and at least ten (10) feet from the near edge of the curb or roadway.

D. The front yard carport shall meet the same side setbacks as the principal use.

E. The front yard carport shall not have side panels or screens in the area between grade level and sixty (60) inches above grade level.

F. The front yard carport may have one enclosed side only if the enclosed side is a shared wall with a principal or accessory structure.

G. The front yard carport shall not interfere with sight distance requirements set forth in the City Engineering Traffic Criteria Manual.

H. The front yard carport may exceed the eight-foot (8') height limit set forth in City Code Section 7.3.105(A)(1)(h)(1)(A), but shall not exceed twelve feet (12') at the highest point.

I. In order to be architecturally compatible with the primary dwelling unit, the front yard carport shall comply with the following:

1. Not be clad in unpainted wood or galvanized metal and shall match the color of the body or trim of the primary structure;

2. Not be made of non-durable and/or flexible materials, including but not limited to, canvas, plastic, polyester or other tentlike materials;

3. Have support posts or columns at a minimum size of four inches by four inches (4"x4") square or four inches (4") in diameter;

4. Have gutters and downspouts installed along the sides of the structure which redirect water and safely lead it away from rights-of-way

and neighboring properties toward a designated drainage area. Downspouts may be included in the four-inch (4") requirements set forth above;

5. Have a minimum of four inch (4") wide fascia along the roofline; provided, however that gutters may substitute for fascia where required to meet the drainage requirement set forth above;

6. Have a minimum of four inch (4") roof overhang on all sides; and

7. Roof sheeting shall not continuously extend downward along the sides.

J. Front yard carports that are exempt from building permits shall be anchored according to the manufacturer's specifications. However, if the manufacturer provides no specifications for anchoring, the carport shall be anchored to concrete piers extending at least thirty (30) inches below grade.

K. Front yard carports shall not be permitted unless:

1. The side and rear yards are each inaccessible/unusable due to insufficient width or size or due to steep terrain; or

2. The Manager determines that use of the side or rear yards for a carport would have a material negative effect on the use and enjoyment of the applicant's property or of adjoining properties.

L. The front yard carport shall comply with any applicable historic preservation overlay district or neighborhood character standards adopted by the City.

M. The front yard carport shall not be installed in a recorded easement. The owner shall contact the Utility Notification Center of Colorado (UNCC), "Call Before You Dig", at 1-800-922-1987 or online at www.uncc.org to request a utility locate at least three (3) business days prior to installing the front yard carport.

N. The front yard carport shall not jeopardize the health and safety of adjacent property, people, and users of the City's rights-of-way, including but not limited to, public and private utility infrastructure, public works infrastructure, pedestrians and drivers.

7.5.1804: CONDITIONS OF APPROVAL:

In the permitting of such use, the Manager, Planning Commission or City Council shall have authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected.

Section 6. This ordinance shall be in full force and effective February 1, 2022.

Section 7. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2021.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk