

ORDINANCE NO. 21-_____

AN ORDINANCE CREATING AN EXTENSION OF A MORATORIUM ON THE ENFORCEMENT OF CERTAIN ZONING CODE VIOLATIONS RELATED TO CARPORTS IN FRONT YARD SETBACKS, EXPIRING ON DECEMBER 7, 2021

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, the purpose and intent of the City's zoning and land use regulations as set forth in City Code § 7.2.102 is "to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions"; and

WHEREAS, pursuant to City Code § 7.3.105(A)(1)(A), accessory structures are not permitted in the front yard setback of lots zoned for residential uses; and

WHEREAS, pursuant to City Code § 7.2.201, carports are accessory structures; and

WHEREAS, it has come to the attention of City Council that dozens of carports exist within front yard setbacks within the City; and

WHEREAS, City Council passed Ordinance No. 21-22, imposing a six (6) month moratorium on the standards contained in City Code § 7.3.105(A)(1)(A) with regard to any carport within a front yard setback in any residential zone, with certain exceptions; and

WHEREAS, City Council passed Ordinance No. 21-85, extending the initial six (6) month moratorium for an additional two (2) months until September 12, 2021; and

WHEREAS, a proposed amendment to the City Code to permit certain carports within front yard setbacks is being prepared by City staff and will be presented to City Council for its consideration; and

WHEREAS, in order to continue to maintain the status quo for certain carports temporarily, and to give City Council time to study the issues, Council believes it is necessary to extend the moratorium on enforcement of zoning code

violations related to the presence of certain existing carports within front yard setbacks.

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

Section 1. City Council hereby extends the moratorium on the standards contained in City Code § 7.3.105(A)(1)(A) with regard to any carport within a front yard setback in any residential zone until December 7, 2021, provided that the carport:

- A. existed as of January 12, 2021;
- B. is constructed over a driveway or other legal parking area;
- C. does not interfere with sight visibility as described in section 4 of the City Engineering Traffic Criteria Manual;
- D. does not encroach into the City right-of-way;
- E. does not trespass upon the property of adjacent property owners;
and
- F. in the discretion of the City does not otherwise 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.

Section 2. For purposes of this ordinance, a carport is defined as an attached or detached structure covered by a solid or lattice roof and supported

by poles or columns and having three (3) or more permanently open sides, and intended for the off-street parking of motor vehicles.

Section 3. City Council hereby suspends the provisions of City Code § 7.3.105(A)(1)(A), pursuant to the requirements in Section 1, above, during the extended moratorium period, which will expire on December 7, 2021.

Section 4. City Council finds that the extended moratorium period is reasonable and necessary to permit the City to study the impacts of carports and determine whether additional land use, zoning, or other regulations are necessary to protect and preserve the public health, safety and welfare.

Section 5. This Ordinance does not suspend enforcement of any provisions of the zoning code other than setbacks for carports in residential zones, pursuant to the standards set forth in Section 1, above.

Section 6. This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 7. City Council deems it appropriate that this Ordinance be published by title and summary prepared by the City Clerk and that this Ordinance shall 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