



## Legislation Text

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**File #:** CPC CA 21-00130, **Version:** 7

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Ordinance No. 21-110 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

### **Presenter:**

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### **Summary:**

Attached are two options of the carport ordinance.

“Option A” is the option that was approved by the City Council on first reading and it incorporates one change requested by Councilmember Williams pertaining to eligibility of front-yard carport if placing a carport in other areas of the person’s property inhibits the enjoyment of the property. “Option A” was approved on first reading (7 to 2 vote) at the November 23, 2021 Council meeting.

“Option B” includes amendments requested by Councilmember Henjum and it eliminates the requirements for 4 x 4 or 4-inch diameter posts, and rain gutters altogether. These changes are requested based on public comments concerning costs.

Should the Council wish to adopt “Option B”, a motion needs to be made to vote on it (to supersede “Option A”, and a third reading will need to occur on the January 11, 2022 Council meeting.

### **Background:**

Pursuant to City Code, carports are defined as “accessory structures” and must comply with applicable building setbacks. Accessory structures cannot be placed within the building setbacks; therefore, front-yard carports are not permitted. This issue came to City Council’s attention after enforcement action on approximately 84 carports was initiated based on complaints received by Neighborhood Services (Code Enforcement) and appeals of the Notice of Violations were heard. Proponents of front yard carports indicated that carports are necessary in our city to protect vehicles from hail. At that time, City Council directed staff to investigate code amendments that could be made to allow carports in required front yard setbacks.

Staff worked with interested parties in the development of the prior ordinance. Proponents of carports support little to no design standards in order to keep carports as a cost-effective method to protect their vehicles. Opponents feel that carports negatively impact the visual quality of neighborhoods and are architecturally incompatible in historic neighborhoods.

The City Council considered a version of the carport ordinance at its July 27, 2021. Due to the lack of majority vote in favor, the ordinance failed. (4 to 4 vote, 1 absent).

The ordinance now being presented for consideration requires the issuance of a front yard carport permit by the Planning and Community Development Department, subject to specific standards - please see the attached ordinance.

Based on the comments received from Councilmembers at the November 8<sup>th</sup> City Council Work Session, language was added that gives staff a little more discretion on determining the eligibility for front-yard carports. See Section 7.5.1803 (K)(1) and (2). Additional language was added to clarify that rain gutters and downspouts are only required for proper drainage, and can meet the requirement for fascia and 4 by 4 posts. The remainder of the ordinance remains unchanged.

Attached, are cost comparisons between various roof designs. The standards as written add additional costs, in some cases double. Please note that these are just rough estimates and prices vary depending on size and vendor/manufacturer.

#### **Previous Council Action:**

On July 27, 2021, City Council denied an ordinance permitting carports to be erected in required front yard setbacks by a vote of 4-4-1-0. At that time, Councilmember Wayne Williams requested City staff to give an overview of the variance process at a work session meeting. A work session was held on August 23, 2021.

At the August 23<sup>rd</sup> work session, staff introduced new concepts for the ordinance. The Council directed staff to work on a new option of the ordinance and review by the Planning Commission.

#### **Financial Implications:**

Enforcement and administration of the ordinance would be absorbed by current staff. A new fee for the front-yard carport permit would need to be established.

#### **City Council Appointed Board/Commission/Committee Recommendation:**

On June 17, 2021, the City Planning Commission recommended approval of the prior ordinance to City Council by a vote of 4 to 3 (2 absent).

The currently proposed ordinance was presented to the City Planning Commission on October 21, 2021. The proposed motion to approve the ordinance as-is failed by a tie vote of 3 to 3 (3 absent). The Planning Commission took no further action since the item is Legislative and would go to City Council either way. Some Planning Commissioners feel that the City should continue to prohibit carports in the front-yards. Some Commissioners generally supported many of the design standards in the proposed ordinance but wanted to "grandfather" all the illegally placed, non-conforming carports. Some Commissioners did not support outright "grandfathering" of non-conforming carports.

**Stakeholder Process:**

There have been several meetings with the community, as well as a survey to citizens that went out in May of 2021. In addition, through email correspondence and discussions with the newly formed *Historic Neighborhood Partnership*, City staff has included architectural elements to this new draft of the ordinance, to the extent possible in keeping with City Council's original direction to provide an economical way for residents of our community to maintain a carport for purposes of hail and weather protection for vehicles parked on driveways.

**Alternatives:**

1. Approve the ordinance as presented.
2. Provide direction to staff on any desired modifications.
3. Deny the ordinance. (Should the second attempt to adopt the ordinance fail, staff suggests that this issue be no longer pursued.)

**Proposed Motion:**

Move to approve the carport ordinance.

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