



Legislation Text

File #: 16-00068, **Version:** 4

Ordinance No. 16-19 amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to fences and accessory structures. Legislative.

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development

Summary:

This proposal is to amend City Code to clarify zoning code regulations pertaining to fence height and accessory structures.

Previous Council Action:

The City's zoning code was adopted by City Council in 2001. Numerous minor revisions have been approved by City Council more recently. The specific code sections in question were last updated in 2012.

One minor change was made to the ordinance to reflect Council input at the January 25, 2016 Informal meeting.

Background:

The proposed ordinance amends existing code relative to two separate issues: fence height and accessory structure standards. The proposed changes improve the clarity of how the City regulates fences, fence height, and how fences on top of retaining walls are measured. Specifically, if a fence is within three feet of a retaining wall, then the height is measured from the base of the wall to the top of the fence; if a fence is more than three feet from a retaining wall, then the height of the fence and wall are measured independently. A new provision allows fence posts, poles, or finials to extend above the maximum height of the fence as long as they are spaced at least eight feet apart. These changes will clarify code and create more predictable standards that will benefit the community. Fence heights are limited to protect adjacent properties from excessively high structures blocking solar access and protecting a sense of openness.

The second portion of the proposed code change clarifies two minor provisions for how accessory structures are regulated. Firstly, the definition is improved by adding a number of additional typical accessory structures. Secondly, a definition for "detached" is added to code to help clarify a common challenge for review planners. Setbacks for principal structures in residential zones differ from setbacks for accessory structures; specifically principal structures must maintain a 25 to 25 foot rear yard setback whereas accessory structures may be as close as five feet from the rear lot line. Given that an accessory structure is "detached and separate from the principal building" property owners would sometimes "detach" a proposed garage from the principal structure by a matter of inches in

order to take advantage of more liberal setback requirements. While the two structures may indeed be “detached,” the form, appearance, and bulk of the two structures are essentially identical to that of one principal structure.

Conversely, some property owners on larger lots may take steps to attached two otherwise detached structures to take advantage of additional height allowances for principal structures. Planning staff have worked with property owners who have proposed to artificially “attach” the two structures with fencing, trellis, or even an unenclosed breezeway to allow them to utilize the additional height provisions awarded to principal structures.

See the Planning Commission staff report for a full analysis of both proposed code changes.

This item supports the City’s strategic goal relating to excel in City services. One initiative of this goal is to modernize the City’s development review process and to evaluate regulations, fees and rules.

Financial Implications:

N/A

Board/Commission Recommendation:

The Planning Commission voted 7 - 2 to approve the proposed amendments to the Zoning Code on December 17, 2015.

Stakeholder Process:

The proposed code changes were circulated to the Colorado Springs Housing and Building Association (HBA), the Council of Neighbors and Organizations (CONO), the Colorado Springs Code Scrub Committee, and a specific property owner and neighbor who initiated Staff’s work on this change. Minor comments from HBA (some code improvements and clarifications) and CONO (typographical only) were received and incorporated into the final draft of the proposed text.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

Proposed Motion:

CPC CA 15-00128 - CODE CHANGE

Approve the proposed code change and adopt the ordinance as proposed based on the finding that the procedures described in Section 7.5.602 have been met.

An ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to fences and accessory structures.