



Legislation Text

File #: 21-085, **Version:** 6

Ordinance No. 21-77 creating an extension of a moratorium on the enforcement of certain zoning code violations related to carports in front yard setbacks until December 7, 2021

(Legislative)

Presenter:

Mitch Hammes, Neighborhood Services Manager

Peter Wysocki, Director of Planning and Community Development

Summary:

Carports erected in required front yard setbacks are currently a violation of the City Code. 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 look into code amendments that can be made to allow carports in required front yard setbacks.

On July 27, 2021, City Council denied the proposed ordinance to allow carports in the front yard setbacks by a vote of 4:4:1:0. Staff was tasked with preparing another draft ordinance and will present the draft to the City Planning Commission on September 16, 2021. Subsequent presentations to City Council will be scheduled.

An additional enforcement moratorium is necessary in order to afford time to present the aforementioned draft ordinance to City Council for consideration and action.

Previous Council Action:

On July 13, 2021, this Ordinance was finally passed to extend the moratorium to September 12, 2021, on the Consent Calendar by a vote of 8:0:1:0 (Councilmember Avila was absent).

Background:

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.

The initial six (6) month moratorium expires on July 12, 2021, and 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.

In order to continue to maintain the status quo for certain carports temporarily, and to give City

Council time to study the issues, staff 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 for an additional two (2) months. This period of time will allow for presentation and action by City Council.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

An in-person meeting was held on Monday, May 24, 2021 with the identified proponents for front yard carports. The meeting was held by invitation under the carport on the property owned by Ms. Colette Cook at 4975 Nolte Drive North, Colorado Springs. Approximately 30 people were in attendance, including City Councilor, Yolanda Avila.

An online questionnaire was prepared by the City's Communications Department and feedback was requested on this issue for sixteen (16) days. Approximately 300 responses were received for each question/comment section. Additionally, Staff has received approximately 34 emails or phone calls providing input on this issue.

Alternatives:

1. Approve this ordinance extending the enforcement moratorium for two (2) months;
2. Deny this ordinance and resume enforcement;
3. Refer the matter back to the City staff for further consideration

Proposed Motion:

Approve an ordinance creating an extension of a moratorium on the enforcement of certain zoning code violations related to carports in front yard setbacks until December 7, 2021

An ordinance amending an ordinance creating an extension of a moratorium on the enforcement of certain zoning code violations related to carports in front yard setbacks until December 7, 2021