

**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission

**FROM:** Mindy Madden, Strategic Services Manager  
Edward Schoenheit, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** LDC-23-002 Land Development Code Amendment -  
Carport Amendment to Chapters 1 and 5 of the  
El Paso County Land Development Code (2022)

**Commissioner District:** All

Planning Commission Hearing Date	05/18/2023
Board of County Commissioners Hearing Date	06/20/2023

**EXECUTIVE SUMMARY**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1 and 5 of the El Paso County Land Development Code (2022) to add regulations that pertain to carports located in the front yard setback.

**A. BACKGROUND**

The El Paso County Land Development Code is routinely amended to respond to current land use trends, recurring issues, changes in legislation, and/or errors/oversights. The Planning and Community Development Department maintains a running list of necessary and recommended revisions to the Code as issues arise. El Paso County is a statutory County, which requires the County regulations to align with those rules and regulations included within the Colorado Revised Statutes (C.R.S.). The C.R.S., in most instances, is flexible enough to allow each jurisdiction the ability to customize their rules and regulations in ways that best suit the needs of the local community as well as those challenges present in each community.

The Code provides an avenue for property owners to apply for and obtain dimensional variances through the Board of Adjustment if setback requirements cannot be met for carports; however, approval is not guaranteed. Between 2019 and 2022, just seven (7) applications for carports located in the front yard setback were heard by the Board of Adjustment. Of these applications, only three (3) were approved.

Between 2019 and March 2023, Code Enforcement received approximately twenty (20) complaints on carports located in the front yard setback in the Security/Widefield area alone. Of the twenty (20) carports found to be in violation, eighteen (18) were altered or removed instead of applying for a dimensional variance through the Board of Adjustment. The remaining two (2) carports are still going through the enforcement process.

The proposed amendment would decrease the front yard setback, for carports only, from 15 feet to a minimum of 5 feet. The setback reduction would remove the requirement for a dimensional variance and allow property owners to install carports with administrative site plan approval and building permit (if the carport exceeds 200 square feet).

## **B. REQUEST**

The amendment will modify multiple sections of the El Paso County Land Development Code (2022) to include:

- o Amending the definition of carports in Chapter 1;
- o Amending Table 5-2 to include carports;
- o Amending Chapter 5 to include specific use standards for carports;
- o Carports shall not exceed five hundred (500) square feet and shall not exceed twelve (12) feet at the highest point.
- o Carports must be accessed from an approved driveway access.
- o Carports may have one enclosed side only if the enclosed side abuts the principal structure.
- o Carports shall not have side panels or screening in the area between grade level and sixty (60) inches above grade level.
- o Carports shall be made of wood and/or galvanized metal and shall be painted to match the color of the body or trim of the primary structure.
- o Carports shall not be made of non-durable or flexible materials, including but not limited to, canvas, plastic, polyester, or other tent-like materials.
- o Carports shall comply with all applicable provisions of the Pikes Peak Regional Building Code.
- o Amending Footnote No. 11 of Table 5-4 to exclude carports;



- o Amending Chapter 5, Section 5.4.3 (E1) Projection into Setbacks;
- o Carports shall be setback no less than five (5) feet from the property line.
- o Adequate sight distance at all driveway access points shall not be obstructed by the installation of a carport.
- o Carports shall comply with clear zone requirements in Section 2.3.2 and Table 2-7 of the Engineering Criteria Manual.

Staff is also requesting authority to make all other conforming amendments necessary to carry out the intent of the Board of County Commissioners.

### **C. MASTER PLAN ANALYSIS**

The County's Land Development Code governs the use and development of property and provides a legal framework for implementing the Master Plan's recommendations. The purpose of the County's Land Development Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County, and to:

- o Implement the Master Plan and related elements.
- o Promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.
- o Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.
- o Be fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals and the rights of the community as a whole.
- o Guide the future growth and development of the County in accordance with the Master Plan.

More specifically the Master Plan identifies the need for periodic amendments to El Paso County's Land Development Code as stated below:

#### *Code Amendments and Updates*

Your El Paso Master Plan establishes the overall vision for the character and intensity of land use and development throughout the County, as well as the policies and goals related to infrastructure, transportation, facilities and services, the natural environment, and much more. To ensure the Land Development Code remains an effective tool for Master Plan implementation it should be reviewed and amended as necessary, particularly the zoning and development standards, to ensure consistency and alignment with the principles, goals, and recommendations of the Master Plan.

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#### **D. APPLICABLE RESOLUTIONS**

See Attached Resolution.

#### **E. STATUS OF MAJOR ISSUES**

There are no major issues.

#### **F. RECOMMENDED CONDITIONS AND NOTATIONS**

No conditions or notations.

#### **G. PUBLIC COMMENT AND NOTICE**

The proposed Code amendments were posted to the Planning and Community Development Department's website on April 24, 2023, and to the El Paso County Facebook page on May 4, 2023, for public comment. Two (2) comments were received as of May 8, 2023. One comment was inquiring about carports in their area and if they were in compliance. The second comment suggested the amendments allow for various types of metal coatings that provide corrosion resistance and not limit metal carports to galvanized metal.

A summary of the proposed Code amendments and the date of the Board of County Commissioner hearing will be published in Gazette News pursuant to Colorado Revised Statute 30-28-116. A copy of this publication will be included in the backup materials for the Board of County Commissioners hearing.

#### **H. ATTACHMENTS**

Proposed Changes to the Land Development Code (2022) (redline version)

Proposed Changes to the Land Development Code (2022) (clean version)

Draft Resolution



## Chapter 1 Section 15: Definitions of Specific Terms and Phrases

**Carport:** ~~Temporary~~—A detached ~~covered~~ structure consisting of a roof supported on posts with three or four open sides without walls that is not subject to the building code and is used to offer limited protection to vehicles from rain and snow.

## Chapter 5 Use and Dimensional Standards

**Table 5-2 Accessory Uses**

Use Type	Agricultural Zoning Districts			Residential Zoning Districts													Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required Initiating Use?
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4			
Carports	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										A	YES		YES <sup>8</sup>

- Add carports as an accessory use.
- Add Footnote No. 8: A site plan is only required for accessory structures greater than 200 square feet in area, however setback compliance is required for all structures.

**5.2.16 Carports:** The following standards apply only to carports located in the front, and/or side yard setbacks:

**A. Size and Height Requirements.** Carports shall not exceed five hundred (500) square feet and shall not exceed twelve (12') feet at the highest point.

**B. Access.** Carports must be accessed from an approved driveway access.

**C. Side panels and/or screening limited.**

1. Carports may have one enclosed side only if the enclosed side abuts the principal structure.
2. Carports shall not have side panels or screening in the area between grade level and sixty (60) inches above grade level.

**D. Materials Used.**

- Carports shall be made of wood and/or galvanized metal and shall be painted to match the color of the body or trim of the primary structure.
- Carports shall not be made of non-durable or flexible materials, including but not limited to, canvas, plastic, polyester, or other tent-like materials.

**E. Compliance with the Building Code Required.** Carports shall comply with all applicable provisions of the Pikes Peak Regional Building Code.

**A. Other Applicable Standards.** Carports shall meet all other applicable standards in this Code for accessory use structures unless specifically modified by this Section.

#### **Table 5-4 Density and Dimensional Standards for Agricultural, Residential, and Special Purpose Districts**

- Footnote 11: The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 feet from the front property line or nearest road right of way, where a 5 foot setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure (excluding carports).

#### **5.4.3. (E) Projection into Setbacks.**

**(1) Projections in Residential Zoning Districts.** For property located in residential zoning districts (including a residential PUD), containing a minimum required lot size of ½ acre or less:

- ~~An open sided temporary One carport, metal or canvas, which is not classified as a structure under the Building Code,~~ may extend into the required front yard setback to a point 15 feet of no less than five (5) feet from the property line as long as any site visibility is maintained, and into the side and/or rear yard setback. Adequate sight distance at all driveway access points shall not be obstructed by the installation of a carport. No portion shall project into a pedestrian or equestrian walkway, a private or public right of way, or any utility or drainage easement unless written permission of the agency or agencies having jurisdiction over the easement has been obtained. ~~except with the permission the agency or agencies having jurisdiction over the easement.~~ ~~Approval of a residential site plan is required prior to placement or construction of a carport.~~

Carports shall comply with clear zone requirements in Section 2.3.2 and Table 2-7 of the ECM.

## Chapter 1, Section 15: Definitions of Specific Terms and Phrases

**Carport:** A detached structure consisting of a roof supported on posts with three or four open sides used to offer limited protection to vehicles.

**Table 5-2 Accessory Uses:**

Use Type	Agricultural Zoning Districts			Residential Zoning Districts												Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required Initiating Use?	
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M				R-4
Carports	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										A	YES		YES <sup>6</sup>

**5.2.16 Carports:** The following standards apply only to carports located in the front, and/or side yard setbacks:

**A. Size and Height Requirements.** Carports shall not exceed five hundred (500) square feet and shall not exceed twelve (12') feet at the highest point.

**B. Access.** Carports must be accessed from an approved driveway access.

**C. Side panels and/or screening limited.**

- Carports may have one enclosed side only if the enclosed side abuts the principal structure.
- Carports shall not have side panels or screening in the area between grade level and sixty (60) inches above grade level.

**D. Exterior Appearance.**

- Carports shall be made of wood and/or galvanized metal and shall be painted to match the color of the body or trim of the primary structure.
- Carports shall not be made of non-durable or flexible materials, including but not limited to, canvas, plastic, polyester, or other tent-like materials.

**E. Compliance with the Building Code Required.** Carports shall comply with all applicable provisions of the Pikes Peak Regional Building Code.

**Other Applicable Standards.** Carports shall meet all other applicable standards in this Code for accessory use structures unless specifically modified by this Section.

**Table 5-4 Density and Dimensional Standards for Agricultural, Residential, and Special Purpose Districts.**

- Footnote No. 11: The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 feet from the front property line or nearest road right of way, where a 5-foot setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure (excluding carports).

**5.4.3. (E) Projection into Setbacks.**

**(1) Projections in Residential Zoning Districts.** For property located in residential zoning districts (including a residential PUD), containing a minimum required lot size of ½ acre or less:

- One carport may extend into the required front yard setback to a point of no less than five (5) feet from the property line as long as any site visibility is maintained, and into the side and/or rear yard setback. Adequate sight distance at all driveway access points shall not be obstructed by the installation of a carport. No portion shall project into a pedestrian or equestrian walkway, a private or public right of way, or into a utility or drainage easement unless written permission of the agency or agencies having jurisdiction over the easement has been obtained.

Carports shall comply with clear zone requirements in Section 2.3.2 and Table 2-7 of the ECM.



AMENDMENT TO THE LAND DEVELOPMENT CODE (Recommend Approval)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. LDC-23-002  
CARPORTS

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) as described below:

- Amending the definition of carports in Chapter 1;
- Amending Table 5-2 to include carports;
- Amending Chapter 5 to include specific use standards for carports;
- Amending Footnote No. 11 of Table 5-4 to exclude carports;
- Amending Chapter 5, Section 5.4.3 (E) Projection into Setbacks to decrease the front yard setback requirements for carports;

WHEREAS, a public hearing was held by this Commission on Thursday, May 18, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Planning Commission Members during the hearing, this Commission finds as follows:

1. The proposed amendment(s) to the El Paso County Land Development Code were properly submitted for consideration by the Planning Commission.
2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were recieved into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.

5. For the above-stated and other reasons, the proposed Amendment(s) are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends approval of the proposed amendment(s) as describe above of the El Paso County Land Development Code, including other conforming amendments throughout the Code as presented at the public hearing held by this Commission on Thursday, May 18, 2023.

AND BE IT FURTHER RESOLVED that, in the case of any inconsistency with these amendment(s) and any previous Zoning Regulations, these revision(s) shall prevail.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

AND BE IT FURTHER RESOLVED that the Commission recommends that the Board of County Commissioners direct the Executive Director of Planning and Community Development to develop procedures as required by state law for public notice of and the submission of written comments on applications for administrative plat approval and for the appeal of administrative plat approval or denial to the Board of County Commissioners.

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Kara Offner	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent

The Resolution was adopted by a vote of \_\_\_to\_\_\_ by the El Paso County Planning Commission, State of Colorado.

DONE THIS 18th day of May 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
\_\_\_\_\_, Chair

DATED: May 18, 2023