

AMENDMENT TO THE LAND DEVELOPMENT CODE (Recommend Approval)

Mr. Trowbridge 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 represented on attached Exhibit "A":

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 as represented on the attached Exhibit "A" by underlining (additions) and strike-through (deletions):

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.

Mr. Moraes seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 6 to 0 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: 

Thomas Bailey, Chair

DATED: May 18, 2023

EXHIBIT A

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 ⁸

- 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. Location and Access. Carports must be located over an approved driveway access and/or located in the area between an approved driveway access and the nearest side yard property line. Entry into a carport must be made from an approved driveway access.

The PCD Director may approve an alternate location provided the proposed location meets the purpose of this Section.

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 coated metal to prevent corrosion and shall be compatible in color with the body or trim of the

EXHIBIT A

primary structure. Roofing materials such as asphalt, clay, and slate are allowed.

- 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.

F. 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.