



PLANNING COMMISSION STAFF REPORT

Date: July 27, 2011

Case No.: 5.1235

Type: Zone Text Amendment

Location: City-wide

Applicant: City of Palm Springs

To: Planning Commission

From: Craig A. Ewing, AICP, Director of Planning Services

Subject: Zoning Ordinance Amendment Related to Canopies and Carports in Front Yards and Street Side Yards

PROJECT DESCRIPTION

The project is an amendment to the Palm Springs Zoning Code in order to allow canopies and carports in front yards and street side yards. A public hearing is required.

RECOMMENDATION

That the Planning Commission conduct a public hearing and forward to the City Council its recommendation to allow carports and canopies. A draft resolution is attached.

PRIOR ACTIONS

On October 29, 2009, the Planning Commission commenced a series of study sessions on the matter of existing non-permitted canopies and carports located in required setback areas. The Commission met on January 13, February 3, April 7, June 2, July 7, October 6 and November 3, 2010 as well as on March 30 and April 6, 2011. At the meeting of April 6, 2011, the Commission directed staff to notice a public hearing on the matter.

BACKGROUND

The Planning Commission has been studying the issue of non-permitted canopies and carports for several months. The discussions have included a survey of carports and canopies in four neighborhoods, the consideration of an amnesty and the specifics of how it would work, and the alternative of allowing canopies / carports throughout the R-1 zones, subject to certain provisions.

Based on the most recent direction of the Commission, staff has developed this last idea – allowing in the R-1 zone canopies and carports within front or street side setbacks – with the goal of addressing the Commission's concerns for these structures while also avoiding the complexities and burdens imposed by an amnesty.

ANALYSIS

If the Commission is prepared to consider allowing canopies and carports in front and street side yards, the following changes to the zoning Code should be adopted:

91.10.00 – Definitions

Add:

“Canopy” means a permanent roofed structure open on at least three sides used or intended to be used by the occupants of the premises for storage or permitted accessory uses.

(“Carport” is already defined as, “a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile storage for the occupants of the premises and enclosed storage lockers shall be provided for such occupants.”)

Minor Modifications

Add:

94.06.01.A.9 Canopies and Carports

Front yard and street side yards may be reduced to zero (0) for a canopy or carport, subject to the provisions of Section 93.23.xx

93.23.xx – Conditions for Specific Uses¹

¹ This is a new section of the Zoning Code that will gather in one place regulations for specific uses, including WECS, service stations, mobile home parks and other uses which are presently scattered around the Code. The Planning Commission recommended this Section on September 8, 2010.

Add:

xx. Canopies and Carports

Canopies and carports within a front or street front side yard may be allowed as an accessory structure to a single family dwelling, subject to the following provisions:

- 1. No more than one canopy per lot may be allowed to encroach into any required yard.*
- 2. The subject lot shall have a minimum area of 7,500 square feet.*
- 3. The perimeter of the canopy or carport, including all roof members, eaves and projections may not encompass a total area greater than 425 square feet.*
- 4. The average height of the canopy or carports shall not exceed twelve (12) feet; the maximum height of any point or ridge shall not exceed fourteen (14) feet.*
- 5. The canopy or carport must be open on at least three sides; the enclosed side, if any, must be located on the side which is most opposite or farthest from the street.*
- 6. Columns supporting the canopy or carport roof structure may not exceed eighteen (18) inches of width in any direction.*
- 7. Planning Commission approval under Section 94.06.01 (Minor Modification) and Section 94.04 (Architectural Review) shall be required.*

Staff believes that the conditions for canopies and carports reflect both the needs of the community and reasonable limits on their use:

One Canopy Per Lot This limit does not mean that only one carport or canopy is allowed. It means only one may be allowed in the setback. Other conforming canopies or carports may be constructed if they conform to all setbacks and other zoning provisions.

Minimum Lot Size A zero front or street side setback on lots smaller than 7,500 square feet may create a crowded look in the neighborhood. The Commission may consider any minimum lot size it believes will adequately preserve the overall look of the City's residential neighborhoods.

Maximum Area A two car garage or carport is typically about 400 square feet. Staff recommends a maximum area of 425 square feet to accommodate eave overhangs and other projections. Three-car carports (roughly 600 sf) proposed under this rule would not be allowed.

Maximum Height Many canopies and carports have low-pitched gable roofs; most others have flat roofs. Since heights typically range from ten to thirteen

feet, staff recommends that an average height be established to allow for some variation in roof form, with an absolute maximum to avoid steep gable designs.

Open On Three Sides In order to minimize the appearance of bulk from the street, the canopies and carports should have no walls on the nearest sides. If a canopy is to have one wall side, it should be furthest from the street view.

Maximum Column Width This rule supports the rule above, limiting the width of the supports columns so they do not become bulky features of the structure. Most canopies and carports have relatively thin metal supports; however, several have been observed to have substantial brick or wood columns. An 18-inch limit should accommodate any reasonable structure.

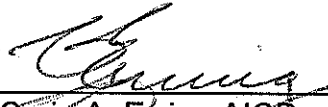
Planning Commission Approval Notwithstanding all the above regulations, staff continues to believe that the Planning Commission should review any canopy or carport proposed in the front or street side yard. In this way, adequate attention can be given to neighbor concerns, compatibility with adjacent structures and quality of design (see attached findings for Architectural Review and Minor Modifications).

The Commission may consider any other provision it might wish to include in the regulation of canopies and carports.

Staff believes that the advantages of allowing these structures in the R-1 zone outweigh disadvantages and we request the Planning Commission to initiate a Zone Text amendment so that a public hearing might be scheduled on the matter. The Commission may wish to consider other outreach opportunities, such as a meeting with neighborhood organizations or others.

ENVIRONMENTAL DETERMINATION

Staff has evaluated the potential environmental impacts of the proposed Zoning Ordinance text amendment and determined that it is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act. The proposed amendment does not result in any changes in land use or density.



Craig A. Ewing AICP
Director of Planning Services

Attachedment: Draft Resolution, including draft zone text amendment

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTIONS 91.00.10, 93.23.xx AND 94.06.01.A OF THE PALM SPRINGS ZONING CODE RELATING TO CANOPIES AND CARPORTS

WHEREAS, Sections 94.07.01.A.1 of the Palm Springs Zoning Ordinance allows the Planning Commission to initiate zone text amendments; and

WHEREAS, on January 13, 2010, the Planning Commission directed staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1235) to consider options for addressing non-permitted canopies and carports located in required yard areas; and

WHEREAS, the Commission subsequently met on February 3, April 7, June 2, July 7, October 6 and November 3, 2010 as well as on March 30 and April 6, 2011 at which meetings, the Commission considered several options for addressing non-permitted canopies and carports, including enforcement of existing ordinances, an amnesty program, and amendments to allow such structures under specific conditions; and

WHEREAS, on July 27, 2011, the Planning Commission conducted duly noticed public hearings on a proposed amendment, at which hearings the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorical Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide a means by which property owners may seek approval of existing non-permitted canopies and carports; and
- b. Assure that future canopies and carports are designed and constructed to be compatible with surrounding development.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- a. An effective means by which the low-density character of single family neighborhoods may be preserved while allowing for additional covered parking in fronts and street side setbacks.

Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council amendment of the Palm Springs Zoning Code to revise Sections 91.00.10, 93.23.xx and 94.06.01.A as contained on the draft Ordinance attached hereto as Exhibit A.

ADOPTED this ___th day of July 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, AMENDING SECTION 93.20.00 OF THE
PALM SPRINGS ZONING CODE RELATING TO BARBER
POLES”.**

City Attorney's Summary

This Ordinance adopts a definition and standards for canopies and carports within the Palm Springs Zoning Code Sections 93.23 and 94.06.

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,
ORDAINS:**

Section 1. Section 91.00.10 shall be amended to include the following definition:
“Canopy” means a permanent roofed structure open on at least three sides used or intended to be used by the occupants of the premises for storage or permitted accessory uses.

Section 2. Section 94.06.01.A shall be amended to add:
94.06.01.A.9 Canopies and Carports
Front yard and street side yards may be reduced to zero (0) for a canopy or carport, subject to the provisions of Section 93.23.xx

Section 3. Section 93.23.xx, “Conditions for Specific Uses” shall be amended to add:
93.23.xx.xx. Canopies and Carports
Canopies and carports within a front or street front side yard may be allowed as an accessory structure to a single family dwelling, subject to the following provisions:

1. No more than one canopy per lot may be allowed to encroach into any required yard.
2. The subject lot shall have a minimum area of 7,500 square feet.
3. The perimeter of the canopy or carport, including all roof members, eaves and projections may not encompass a total area greater than 425 square feet.
4. The average height of the canopy or carports shall not exceed twelve (12) feet; the maximum height of any point or ridge shall not exceed fourteen (14) feet.
5. The canopy or carport must be open on at least three sides; the enclosed side, if any, must be located on the side which is most opposite or farthest from the street.
6. Columns supporting the canopy or carport roof structure may not exceed eighteen (18) inches of width in any direction.

Planning Commission approval under Section 94.06.01 (Minor Modification) and Section 94.04 (Architectural Review) shall be required.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2011.

MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

DRAFT

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY