

§ 14.05.013. Carports in required yards.

The supporting structure of an open carport shall not be located within required front or side yards, except as set forth in this section. Carports in required yards may be approved as an administrative adjustment in accordance with the provisions of section 14.02.002, provided the standards of the following subsections (1) and (2) or (3) [(1)(A) and (B) or (C)] are met.

(1) Location.

- (A) There is no other practical location on the subject property for a carport that would meet the minimum yard requirements established for the particular zoning district in which the subject lot is located.
- (B) Carports are allowed to encroach within the required front yard if a previously constructed carport is located within a required front yard on a lot on the same or opposing block face, or
- (C) The proposed carport must be compatible with the neighborhood and will not negatively affect other nearby properties.
 - (i) A proposed carport is considered compatible with the neighborhood and will not negatively affect other nearby properties if it meets the following requirements:
 - a. A residential structure has existed for at least 25 years on the lot on which the construction of a carport is requested;
 - b. The owner of the lot submits an application to the city secretary requesting authorization for the construction of the carport in accordance with this section and pays an application fee of \$25.00 at the time of submission of the application to pay for the mailing of notice of the application to each lot on the same block as the lot on which the applicant has requested authorization to construct a carport;
 - c. The city shall mail notice of the application to each lot on the same block as the lot on which the carport is requested;
 - d. The notice will include the address of the lot on which the authorization of the construction of a carport is requested. The owner of the lots on the block will have thirty (30) days from the date of the notice to either mail or hand deliver their response to the city. The city will provide a self-addressed envelope with each mailed notice; and
 - e. Unless the city receives written objections from at least 50% of the owners of the lots on the block, the application will be approved. If the owner of a lot does not file a response, the city will consider the lack of a response as approval of the construction of a carport on the subject lot.

(2) Construction. Construction of a carport in a required yard shall conform to all of the following criteria:

- (A) The front face of the roof shall be set back at least 10 feet from the front property line,

and shall be separated by at least 15 feet from the back of the street curb (or edge of the street pavement if a curb does not exist) and shall not extend more than 20 feet into the minimum front yard required on the subject lot.

- (B) The roof edge and vertical structural supports for any carport shall not be located closer than two feet to the side property line.
 - (C) A minimum of 7 1/2 feet from the finished floor level of any carport situated within the minimum front or side yard required on the lot shall be open and unencumbered by any walls, screening or glazing on the sides or front of the structure, except as may be necessary for vertical structural supports which shall be no greater than 12 inches in width or diameter, or unless the carport borders the side wall of the house, in which case that one side of the carport may be enclosed by the wall of the house.
 - (D) No more than 20% of the minimum front yard area required on a lot shall be covered by the roof on a carport allowed by this section.
- (3) Continuing compliance. Any carport authorized in accordance with this section to extend into minimum required front or side yards shall be subject to continuing compliance with the following requirements.
- (A) The minimum clearance required on the sides of any such carport (along that portion which extends into required yards) shall continually remain open and unencumbered by any walls, screening or glazing.
 - (B) The area underneath any such carport shall continually remain clear of any junk, household trash, yard trash, debris or any and all other objectionable unsightly matter, as generally required by the ordinances of the city.
- (4) Existing carports. Existing carports which encroach into minimum front or side yards required by this chapter shall be exempted from the requirements of this chapter intended to prevent the installation of carports within minimum front or side yards, subject to each such carport's compliance with all the following conditions.
- (A) The carport was completed at that location prior to January 1, 2003.
 - (B) The carport does not encroach into the public right-of-way, into an easement specifically designated to be open or unencumbered by buildings, or onto an adjacent lot.
 - (C) The carport is set back a minimum of 5 feet from the back of a curb bordering pavement in an adjoining street right-of-way or, if a curb does not exist, from the edge of pavement in that adjoining street right-of-way.
 - (D) The carport is structurally sound, in the opinion of the building official.
 - (E) The carport is substantially open and unencumbered by side walls, screening or glazing in any of the minimum front or side yards required by this chapter.
 - (F) The area underneath any such carport is and remains continually clear of any junk, household trash, yard trash, debris or any and all other objectionable matter.

- (G) The carport is accessory to a principal building located on the same lot as that carport, regardless of whether that carport is attached to or detached from the principal building.

(5) Carports considered legally nonconforming.

- (A) Existing carports which encroach into minimum required front or side yards and which were installed before enactment of minimum yard requirements shall be considered legally nonconforming.
- (B) Any existing carports which encroach into minimum front or side yards required by this chapter and which were authorized in accordance with a variance or special exception duly approved by the zoning board of adjustment shall also be considered legally nonconforming.
- (C) In no case shall this section be construed to legitimize any carport encroaching into a public right-of-way, into an easement specifically designated to be open or unencumbered by buildings, or onto an adjacent lot.

(Ordinance adopted 3/21/2022)