



INFORMATION MEMORANDUM

TO: Mayor and City Council

THROUGH: Ben Williamson, City Manager

FROM: Perla Tavera, Director of Economic Development, Tourism, and Planning

DATE: July 16, 2024

SUBJECT: Conduct a public hearing and consider adopting Ordinance No. 3873 to amend the Comprehensive Zoning Ordinance related to residential garage conversions; and take appropriate action.

Background:

This case involves amendments to the Comprehensive Zoning Ordinance (CZO) related to garage conversions. Section 4.3 of the CZO mandates specific requirements for parking and loading. Specifically, in the One-Family Residence (R-1) through Two-Family Residence (D-2) zoning districts, parking spaces must be situated behind the front building line and enclosed within a garage structure designed for the secure storage of vehicles. The CZO was amended in 1997 to require a replacement garage enclosure on all properties where the original garage has been converted into living space. Over time, there has been a prevalent issue of residential garages undergoing unauthorized conversions without obtaining the necessary permits and inspections.

Through two city-wide residential property surveys conducted in 2023, staff documented approximately 1,393 instances of garage conversions visible from the street. Among these, 358 conversions were legally permitted. No permit records exist for the remaining 1,035 conversions.

This creates additional permitting concerns, especially for property owners who purchased their home after the garage conversion occurred and may be unaware of the violation. Currently, if a permit is requested for the expansion or repair of a home with an unpermitted garage conversion, approval cannot be granted until a new garage is constructed on the property or the space is reverted back to vehicle storage. In most cases, these are not feasible solutions for homeowners. Therefore, the City is actively seeking a viable means to bring these infractions into compliance.

In response to the City Council's directive, staff has proposed an amnesty program to legalize identified unauthorized garage conversions. If approved, the amnesty program would become effective July 16, 2024, and allow approximately 18 months for applications to be submitted. An

approved amnesty permit provides relief from the CZO requirement of providing an additional enclosed garage on the property.

Proposed Ordinance and Amnesty Program:

The proposed ordinance amendment retains the original requirements for carports and garages. Additionally, it introduces new provisions to protect homes where the garage was converted before July 16, 2024, with all necessary permits obtained or with approval of an Amnesty Program Permit. Outlined below is the proposed Amnesty Program:

1. *Application:* An application for an Amnesty Program Permit shall be submitted to the Community Services Department on or before January 31, 2026, accompanied by the application fee. The application fee shall be one hundred dollars (\$100.00), which shall be added to the fee schedule contained within the Code of Ordinances pending approval of this proposed ordinance.
2. *Consent to Inspection:* An application for an Amnesty Program Permit shall constitute consent by the owner for any required inspections.
3. *Inspection Required:* No Amnesty Program Permit shall be issued prior to the City's inspection of the garage conversion work and completion and inspection of any required modifications and/or repairs.
4. *Required Modifications or Repairs:* If an inspection uncovers work that is not in compliance with all applicable building codes and/or constitutes any life and safety concerns, the property owner shall have thirty (30) days to address these issues. If such issues have not been resolved by this time, the property owner may request an extension. Re-inspections shall be conducted to ensure that all issues have been resolved.
5. *Issuance or Denial of Permit:* Amnesty Program Permits shall be granted for garage conversions featuring no life and safety concerns. Permits shall also be granted for those conversions that complete any required modifications and/or repairs within the allotted time frame. No permits shall be issued to those conversions that fail to meet these requirements and/or expire.
6. *Building Permits Required:* An application for an Amnesty Program Permit does not constitute an application for or a waiver of the requirement to obtain any necessary permitting for work required to complete any required modifications and/or repairs.
7. *Tolling of Enforcement:* Enforcement of violations shall be tolled for the period beginning July 16, 2024 and ending January 31, 2026. The tolling of such enforcement shall be extended with respect to any property for which the City has received an Amnesty Program Permit and ending on the date such permit is granted or the application is denied.

Comprehensive Plan Recommendation:

The Farmers Branch 2045 Plan encourages a healthy mix of housing to meet the City's needs, including any required elements for such housing like garages. Furthermore, the plan also recommends regular reviews and updates to the CZO, including those that address potential obstacles toward successful development. This proposed amendment aims to provide a viable means of addressing unauthorized garage conversions throughout the City and bringing these into compliance. Therefore, the proposed amendment is aligned with the recommendations of the Farmers Branch 2045 Plan.

Notification:

Notice of this request and public hearing was posted in the Dallas Morning News on June 27, 2024. As of the writing of this report, no written correspondence has been received by staff.

Planning and Zoning Commission Recommendation:

On June 10, 2024, the Planning & Zoning Commission unanimously recommended approval of this request with the following modifications:

- That the ordinance be updated to allow reapplication and extensions for the Amnesty Program in the same manner as standard building permits.
- That re-inspection fees currently listed in Appendix A be clarified.

The attached ordinance has been updated to reflect these changes. Additional information regarding the City's current re-inspection fees is provided on the following page.

Excerpts from Code of Ordinances Regarding Reinspection Fees

Chapter 22 – Buildings and Building Regulations, Article III – Construction Standards

Sec. 22-87. Local amendments to International Building Code.

109.7 Re-inspection Fee. A re-inspection fee as established by city council resolution may be charged when:

1. The inspection called for is not ready when the inspector arrives;
2. No building address or permit card is clearly posted;
3. City approved plans are not on the job site available to the inspector;
4. The building is locked or work otherwise not available for inspection when called;
5. The job site is red-tagged twice for the same item;
6. The original red tag has been removed from the job site; and
7. Failure to maintain erosion control, trash control or tree protection.

Appendix A – Fee Schedule

Section this Code	Description	Amount
	Chapter 22. Buildings and Building Regulations	
<i>22-51 cont'd</i>	Inspection and other fees:	
	Inspection performed outside of normal business hours (minimum 2 hours), per hour	\$200.00
	Reinspection fee assessed under provisions of Building Code:	
	First reinspection	\$50.00
	Second reinspection	\$100.00
	Third reinspection	\$150.00
	Reinspection beyond third reinspection	\$200.00