



ORDINANCE NO. 3873

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING SECTION 4.3 “PARKING AND LOADING” SUBSECTION K “CARPORTS AND GARAGES” BY AMENDING PARAGRAPH 3 “CARPORTS AND GARAGES” RELATING TO GARAGE CONVERSIONS AND ADDING PARAGRAPH 5 TITLED “AMNESTY PROGRAM PERMIT” AUTHORIZING PERMITTING OF GARAGE CONVERSIONS PREVIOUSLY PERFORMED WITHOUT PERMITS; AMENDING APPENDIX A “FEE SCHEDULE” ENACTING AN APPLICATION FEE FOR AN AMNESTY PROGRAM PERMIT; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Chapter 94 “Zoning” Article 4 “Site Development Standards,” Section 4.3 “Parking and Loading,” of the Code of Ordinances of the City of Farmers Branch, Texas, as previously amended, is further amended as follows:

A. Paragraph 3 of Subsection K “Additional Parking Requirements” is amended to read in its entirety as follows:

3. Carports and Garages

a. Properties developed with one-family detached dwelling units on which garages or carports have been enclosed or otherwise converted into space for use other than vehicle storage, including, but not limited to, provision of additional living area in a dwelling:

(1) The required number of parking spaces shall be provided behind the front building line in an enclosed garage structure

suitable for vehicle storage constructed to store the same number of vehicles as the garage or carport that has been enclosed;

- (2) Driveways located in the front yard after closing in or converting the garage or carport shall be removed or reconfigured to provide access to the required parking garage or structure behind the front building line; and
- (3) Head-in or dead-end parking spaces in the required front yard are prohibited.

b. It shall be a defense to a violation of Section 4.3.K.3.a that:

- (1) The garage was converted prior to July 16, 2024, pursuant to a building permit issued by the City and such conversion was inspected and approved in accordance with the City's building codes and other applicable ordinances in effect at the time of issuance of such building permits; or
- (2) The garage was converted prior to July 16, 2024, and the owner of the property on which the dwelling unit is located has obtained an Amnesty Program Permit in accordance with Section 4.3.K.5.

c. On properties developed with one-family attached, two-family, or multiple family dwelling units, garages, carports, or other similar structures originally intended and constructed for the parking of motor vehicles, boats, trailers or other similar items may not be converted, temporarily or permanently, to use for human habitation, storage, or any other use or purpose other than originally intended.

B. Subsection K "Additional Parking Requirements" is amended by adding Paragraph 5 "Amnesty Program Permit" to read as follows:

5. Amnesty Program Permit

a. *Applicability.* This Section 4.3.K.5 shall apply only to an owner of property:

- (1) on which a garage was converted:
 - (i) before July 16, 2024, for which no building permit was issued by the City and/or a final inspection or approval was not obtained from the City in

accordance with building codes in effect at the time of the conversion; or

(ii) in violation of Section 4.3.K.3.a on or after September 27, 1997, but before July 16, 2024, for which the defense provided in Section 4.3.K.3.b.(1) does not apply; and

(2) makes an application for a permit pursuant to this Section 4.3.K.5 on or before January 31, 2026, which permit is herein called an “Amnesty Program Permit.”

b. *Application.* An application for an Amnesty Program Permit shall be submitted to the Community Services Department on or before January 31, 2026, on a form provided by the City and accompanied by the application fee set forth in Appendix A of this Code. Such application shall contain at least the following information:

(1) The name, address, phone number, and email address of the owner property;

(2) The name, address, phone number, and email address of the primary contact person for the owner of the property, if the owner is not the primary contact person;

(3) A diagram of the property and comprehensive floor plan detailing the layout of the dwelling unit, including, but not limited to, the converted garage.

c. *Consent to Inspection.* An application for an Amnesty Program Permit shall constitute consent by the owner of the property authorizing the City to enter the property described in the application for purposes of conducting the inspection required by Section 4.3.K.5.d.

d. *Inspection Required; Scope;* No Amnesty Program Permit shall be issued prior to the City’s inspection of the garage conversion work pursuant to this Section 4.3.K.5.d and completion and inspection of any modifications and/or repairs required by Section 4.3.K.5.e. Such inspection shall be limited to the converted area of the dwelling unit and such other portions of the dwelling unit to which such work is connected, including, but not limited to, building systems that support or serve the converted garage area of the dwelling. Inspections performed by the City pursuant to this Section 4.3.K.5.d shall not require the removal in whole or in part of any walls, floors, or ceilings to uncover plumbing, heating, air conditioning, or

electrical systems unless there is reason to believe that a condition exists within a wall, floor, or ceiling that could pose a fire, water damage, or other life and safety concern and there is no other reasonable means to access the area of concern.

- e. *Required Modifications or Repairs.* If upon inspection, the City official inspecting a property pursuant to Section 4.3.K.5.d determines one or more conditions exist that are (i) not in compliance with applicable building codes and (ii) constitute a condition which, if not modified or repaired, may reasonably result in injury to a person and/or damage to property (i.e., a life and safety concern), such inspector shall provide a written report detailing the nature of the condition constituting life and safety concern that needs to be resolved through a modification or repair to the property. The owner of the property shall cause such life and safety concern to be resolved not later than thirty (30) days following receipt of such inspection report. An initial reinspection of the property by the City shall be conducted on or after the deadline for completion of the required modifications or repairs or on such earlier date upon receipt of a request for reinspection by the owner of the property.

- f. *Extensions of Time.* If the life and safety concern identified in the initial inspection report has not been resolved at the time of the initial reinspection, the owner of the property may request an extension to complete the work to resolve such life and safety concern. Such request must be submitted in writing no later than ten (10) days after the initial reinspection is conducted and must demonstrate justifiable cause for the need for such extension. The building official may grant in writing one or more extensions for the time to complete the work to resolve the identified life and safety concern(s) provided the total period of all extensions shall not exceed 180 days from the original application date. Upon request of the owner and payment of the reinspection fee set forth in Appendix A of this Code, the City's inspector shall conduct an additional reinspection.

- g. *Issuance or Denial of Permit.* The City shall issue an Amnesty Program Permit to an owner who has made an application for such permit if:
 - (1) Following initial inspection of the property as required by Section 4.3.K.5.d, no life and safety concerns are determined by the inspector to exist with respect to the garage conversion area; or

- (2) If one or more life and safety concerns are identified during the initial inspection of the garage conversion area, and modifications and/or repairs to the property are determined by the City’s inspector following the initial inspection or, if applicable, additional reinspection, to have been completed so that all life and safety concerns have been resolved.

An application for an Amnesty Program Permit shall be denied if all life and safety concerns identified during the initial inspection remain unresolved on the date of the last reinspection of the subject property conducted by the City inspector pursuant to Section 4.3.K.5.e. and, if applicable, Section 4.3.K.5.f.

- h. *Building Permits Required.* An application for an Amnesty Program Permit does not constitute an application for, nor a waiver of any requirement to obtain, a permit that is required under Chapter 22 of this Code to be issued prior to performing any work necessary to complete any modifications or repairs required pursuant to Section 4.3.K.5.e.
- i. *Tolling of Enforcement.* Enforcement of violations of Section 4.3.K.3.a. to which the defenses described in Sections 4.3.K.3.b(1) and (2) are not available shall be tolled for the period beginning July 16, 2024, and ending January 31, 2026; provided, however, 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.

SECTION 2. Appendix A, “Fee Schedule,” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by adding an application fee for Amnesty Program Permits pursuant to Section 4.3 “Parking and Loading,” Subsection K “Additional Parking Requirements” Paragraph 5 “Amnesty Program Permit” as follows:

Section this Code	Description	Amount
	Chapter 94. Zoning	
	(j) Application fee for Amnesty Program Permit (CZO Section 4.3.K.5)	\$100.00

SECTION 3. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect

the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 16TH DAY OF JULY 2024.

ATTEST:

APPROVED:

Stacy Henderson, TRMC, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM:

David M. Berman, City Attorney
(kbl:7/2/2024:4880-1286-3677 v1)