



## Legislation Details (With Text)

**File #:** ORD-3873      **Version:** 1

**Type:** Ordinance      **Status:** Public Hearing

**File created:** 6/6/2024      **In control:** City Council

**On agenda:** 7/16/2024      **Final action:**

**Title:** 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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Information Memorandum, 2. Ordinance No. 3873, 3. Excerpt from June 10, 2024 P&Z Meeting Minutes, 4. Presentation

| Date | Ver. | Action By | Action | Result |
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**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 homes 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 property owners. 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.

**FISCAL IMPACT:**

No Financial Impact

**DISTRICT:**

Citywide

**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.

**ACTIONS:**

1. I move to approve Ordinance No. 3873 as presented.
2. I move to approve Ordinance No. 3873, with modifications...
3. I move to deny Ordinance No. 3873.
4. I move to table the issue for further study or take no action.

**ATTACHMENT(S):**

1. Information Memorandum
2. Ordinance No. 3873
3. Excerpt from June 10, 2024, P&Z Meeting Minutes
4. Presentation