

ORDINANCE NO. ORD-2009-9132

AN ORDINANCE AMENDING COMPREHENSIVE ZONING ORDINANCE NO. 1144 OF THE CITY OF IRVING, TEXAS, BY AMENDING SECTION 52-36, "OFF-STREET PARKING REQUIREMENTS," TO PROVIDE REQUIREMENTS FOR GARAGE CONVERSIONS; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, after notice and public hearing the Planning and Zoning Commission considered the zoning amendment and made its final report on October 5, 2009; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning ordinance be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Zoning Ordinance No. 1144 of the City of Irving, Texas, Section 52-36 "Off-street parking requirements" is hereby amended by adding a new subsection (f) to read as follows:

- (f) No permit shall be issued for the purpose of converting a residential attached garage into habitable living space unless all of the following requirements are met:
 - (1) *Materials.* Exterior materials for the garage conversion must match the materials, colors, and design of the rest of the facade of the house on which the conversion takes place.
 - (2) *Wood siding prohibited.* Homes with wood siding must use a material that has a wood appearance (such as vinyl or cementitious fiberboard); however, wood may not be used as a siding material for the garage conversion.
 - (3) *Driveways.* Driveways and curb approaches shall be a minimum of 16 feet wide and a maximum of 25 feet wide. If the existing driveway does not meet this requirement, or is not paved per the requirements of Section 52-35a(b)(3), the driveway must be completely paved all the way from the street to the face of the garage.
 - (4) *Entryways.* Entry into an attached converted garage must be available through the house. Entry into the converted garage from the exterior shall be prohibited.
 - (5) *No separate unit.* A garage conversion shall not create an independent dwelling unit.
 - (6) *Applicability.* The requirements of Section 52-36(f) shall apply to front entry, side entry, and rear entry attached garages, and shall apply only to garage conversions permitted after October 22, 2009.
 - (7) *Permits required.* The property owner or the owner's designee shall obtain all required city permits and comply with all relevant building codes, fire codes, and energy efficiency standards.

SECTION 2. Any person violating or failing to comply with any provision of this ordinance shall be fined upon conviction not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00). Each day any violation of any provision of this ordinance continues constitutes a separate offense.

SECTION 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on October 22, 2009.

HERBERT A. GEARS
MAYOR

ATTEST:

Janice Carroll, TRMC
City Secretary

APPROVED AS TO FORM:

Charles R. Anderson
City Attorney

J:\Agenda\Ordinances\Land Use\Zoning\Sec. 52-36 Garage Conversion - FINAL 10-22-09.Doc

