



City Council Agenda Item Summary Report

Meeting Date: December 17, 2019			
Submitted by: P. Morgan			
Consent	Discussion Only	Public Hearing X	Action/Discussion
Item Title: Hold a public hearing and discuss and consider approval of an Ordinance amending the City of Forney Comprehensive Zoning Ordinance by amending the exterior construction material requirements.			
Attachments: Ordinance			

Item Summary:

Staff requests approval of an ordinance amending the City of Forney Comprehensive Zoning Ordinance. The purpose of the request is to amend the exterior construction material requirements to ensure compliance with state law.

This year the Texas Legislature enacted House Bill 2439, which was signed by the Governor on June 14, 2019, with an effective date of September 1, 2019. The Legislature also enacted HB 2497, which clarifies the appeal process with the Board of Adjustment. HB 2439 generally provides, with some exceptions, that a governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

According to the Texas House Business and Commerce Committee Report:

There have been concerns raised regarding the elimination of consumer and builder choice in construction through overly restrictive local municipal zoning ordinances, building codes, design guidelines, and architectural standards. Critics argue that these restrictive ordinances, codes, guidelines and standards create monopolies, increase the cost of construction, and ultimately price thousands of Texas out of the housing market.

The amending ordinance clarifies that the City is complying with HB 2439 and HB 2497. The primary change is that the City may no longer consider reject materials on a site plan if the materials meet the requirements provided in HB 2439.

Recommendation:

On December 2, 2019, the Planning and Zoning Commission unanimously recommended approval.