

Legislative Updates

MONDAY, JULY 22, 2019

CITY COUNCIL WORK SESSION

19-0006M



New Legislation Summary



- ▶ HB 3314 Public Noticing for Replats
- ▶ HB 2439 Regulation of Building Materials
- ▶ HB 3167 Plan Review “Shot Clock”



House Bill 3314

NOTICING PROCESS FOR REPLATS

House Bill 3314

Current Legislation

Notice of the public hearing required under Section 212.014 shall be given before the 15th day of the hearing by:

- ▶ 1) publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
- ▶ 2) by written notice, to the owners of lots that are within 200 feet of the lots to be replatted

House Bill 3314

New Legislation

- ▶ If a proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality.
 - ▶ Shall continue to follow the current process
- ▶ If a proposed replat does not require a variance or exception, a written notice shall be mailed, no later than 15 days after action, to each owner that is within 200 feet of the lots to be replatted
 - ▶ The notice of a replat approval must include:
 - ▶ The zoning designation of the property after the replat
 - ▶ The telephone number and e-mail address of the municipality



House Bill 2439

BUILDING MATERIALS

House Bill 2439

New Legislation

Sec. 3000.002. A governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that

- ▶ 1) prohibits or limits the use or installation of a building product or material of a residential or commercial building if approved by a national model code published within the last three code cycles
- ▶ 2) establishes a standard for a building product if the standard is more stringent than a standard under a national model code published within the last three code cycles

House Bill 2439

This section does not apply to:

- ▶ A program established by a state agency that has particular requirements to have a federal funding source or housing program;
- ▶ Necessary requirements for a building to be eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;
- ▶ An ordinance that regulates outdoor lighting; and is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

House Bill 2439

This section does not apply to:

- ▶ A building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:
 - (a) is a certified local government under the National Historic Preservation Act
 - (b) has an applicable landmark ordinance
- ▶ Areas designated for historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;
- ▶ Historic districts on the National Register of Historic Places;
- ▶ Recorded Texas Historic Landmarks;

House Bill 2439

This section does not apply to:

- ▶ National Register of Historic Places
- ▶ Main street cities under the main street program established under Section 442.014
- ▶ Installation of a fire sprinkler protection system under Section 1301.551(i)
- ▶ Occupations Code
- ▶ Health and Safety Code, Section 775.045(a)(1)

House Bill 2439

McKinney's Current Process

Elevations are reviewed on a Façade Plan in accordance with:

- ▶ Sec. 146-139. - Architectural and Site Standards
- ▶ Appendix G – MTC - McKinney Town Center
- ▶ Development Agreements
- ▶ Planned Development District Ordinances

Materials typically include:

- ▶ Masonry (usually at least 50% required)
- ▶ Stucco
- ▶ EIFS
- ▶ Wood/Metal (limited quantities)

House Bill 3167

SHOT CLOCK

House Bill 3167

Current Legislation

The municipal authority responsible for approving plats shall **act on** a plan or plat within 30 days after the date the plan or plat is **administratively complete**.

- ▶ Administratively complete shall be the date upon which the plat is determined to be in compliance with the general and administrative provisions of the McKinney Code of Ordinances. (Section 142-82)

New Legislation (at a glance)

The municipal authority or governing body responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date is filed.

- ▶ "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.
- ▶ "Plat" includes a preliminary plat, general plan, final plat, and replat.

House Bill 3167

New Legislation

Approval Procedure

- ▶ For conditional approvals and disapprovals, the municipal authority shall provide a written statement which includes a citation to the law.
- ▶ If the municipal authority responsible for approving plats fails to take action on a plan
- ▶ or plat within the prescribed period, the plan or plat is considered approved.

Applicant Response

- ▶ The municipal authority shall approve or disapprove a plan or plat no later than 15 days after the response were submitted.
- ▶ The municipal authority may not establish a deadline for the applicant to submit a response.

Legislative Updates

- ▶ House Bills Passed: June 14th
- ▶ Roundtable Discussion in Denton: June 2nd
- ▶ Meetings with Legal:
 - ▶ July 12th
 - ▶ July 17th
 - ▶ July 19th
- ▶ City Council Work Session: July 22nd
- ▶ P&Z Work Session: August 13th
- ▶ Items presented to P&Z: August 13th
- ▶ Items presented to City Council: August 20th
- ▶ House Bills go into effect: September 1st

Ordinances to be Amended

HB 2439 – Building Materials

- ▶ Sec. 146-82. - MP - Mobile Home Park district
- ▶ Sec. 146-92. - AP - Airport district
- ▶ Sec. 146-93. - GC - Governmental Complex District
- ▶ Sec. 146-101. - CC - Corridor Commercial overlay district (suffix)
- ▶ Sec. 146-133. - Accessory buildings and uses
- ▶ Sec. 146-139 - Architectural and Site Standards

HB 3314 – Replats/HB 3167 – Shot Clock

- ▶ Sec. 142-9. - Definitions
- ▶ Sec. 142-42. - Dormancy and approval expirations
- ▶ Sec. 142-74. - Preliminary-final plat
- ▶ Sec. 142-75. - Preliminary-final replat
- ▶ Sec. 142-76. - Record plat
- ▶ Sec. 142-77. - Minor plat
- ▶ Sec. 142-78. - Minor replat
- ▶ Sec. 142-79. - Amending plat
- ▶ Sec. 142-81. - Conveyance plat
- ▶ Sec. 142-82. - Administratively complete
- ▶ Sec. 146-45. - Site plan approval
- ▶ Sec. 146-46. - Definitions