



**19-0006M**

**TITLE:** Legislative Updates and Upcoming Ordinance Amendments from the 86<sup>th</sup> Legislature

**COUNCIL GOAL:** Operational Excellence  
(2C: Identify opportunities for internal efficiencies and continuous improvement to effect a high performing organizational culture)

**MEETING DATE:** July 22, 2019

**DEPARTMENT:** Planning

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Samantha Pickett, AICP, Planning Manager  
David Soto, Planner I  
Kaitlin Gibbon, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** Receive presentation from Staff regarding the 86<sup>th</sup> Legislative Session and its impact on the development review process in McKinney.

**ITEM SUMMARY:**

- Following the closing of the 86<sup>th</sup> Legislature, several changes to Texas Local Government Code were adopted on June 16, 2019 and will take effect on September 1, 2019, including:
  - **HB No. 2439** which limits governmental entities from adopting or enforcing a rule, ordinance, code, or provision that “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 it is allowed by a nation model code.
    - Restricts a City’s ability to require a certain material, percentages of materials, or mix of materials.

- Applies retroactively; meaning that as of September 1, Staff will no longer be able to enforce material regulations dictated by the Zoning Ordinance or by existing Planned Development Districts.
  - Does not apply to our historic areas
- **HB No. 3167** which requires that “the municipal authority responsible for approval plats... approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed”.
  - Plat or Plan includes all plat types as well as site plans
  - Requires that upon “filing” (tentatively established as having submitted the required documents and paid), the plat or plan must be acted on by Staff or brought the appropriate board (Planning and Zoning Commission or City Council) within 30 calendar days.
  - Action includes approval, approval with conditions, or disapproval; it does not allow for tabling.
  - After action by the City, the applicant has an unlimited time to submit a response, after which the City has 15 calendar days to take final action (approve or deny).
- **HB No. 3314** modifies the noticing procedure for residential replats so that if the replat “does not require a variance or exception, the municipality shall, not later than the 15<sup>th</sup> day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted”.
  - Requires notice after the approval of the replat rather than before, and removes the requirement for a public hearing
  - Written notice and a notice in the newspaper 15 days prior to the meeting, as well as a public hearing, will still be required for residential replats requesting variances
- Staff is working to make the necessary adjustments to the Zoning and Subdivision Ordinances to ensure that the City is in compliance with the new state laws. These ordinance amendments will be coming before City Council within the next month and will include changes to:
  - Application of building material ordinances

- Individual sections referencing materials
  - Definitions
  - Plat sections to reference new process and remove non-applicable sections
  - Site plan section to reference new process and remove non-applicable sections
  - Approval, expiration and dormancy requirements
- This Work Session item is to review and discuss the impact of these new changes in state law on the development review process in McKinney.

**SUPPORTING MATERIALS:**

[HB 2439](#)

[HB 3167](#)

[HB 3314](#)

[Presentation](#)